

Chapter 2 ADMINISTRATION*

***Cross references:** Board of fire commissioners, § 8-16 et seq.; fire department, § 8-31 et seq.; flood and erosion control, § 9-21 et seq.; board of health, § 12-21 et seq.; administration and enforcement of housing code, § 13-36 et seq.; traffic committee, § 15-26 et seq.; board of park and recreation commission, § 17-16 et seq.; plan commission, § 19-16 et seq.; conservation commission, § 19-31 et seq.; police department, § 20-21 et seq.; collector of taxes, § 22-26 et seq.; board of water commissioners, § 23-131 et seq.

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ARTICLE I. IN GENERAL

Sec. 2-1. Interference with administrative officers and employees in line of duty.

No person shall disturb, resist, or interfere with any administrative officer or employee of the city in the performance of his duty.

(Code 1970, § 15-15)

Sec. 2-2. Removal or alteration of records; reward.

When any records, correspondence, documents or other data pertaining to municipal

activities and affairs vital to the proper conduct of city business are illegally removed or tampered with, the mayor, with the approval of the council, may offer publicly, a reward not exceeding two hundred dollars (\$200.00) to the person who gives information leading to the arrest and conviction of the guilty person, which reward shall be paid by the city.

(Code 1970, § 2-4)

State law references: Destruction of documents, G.S. § 7-109.

Sec. 2-3. Date of annual reports.

Whenever any department or agency is required under the provisions of this Code to file an annual report with the mayor and no date has been established as the filing date, such a report shall be filed prior to July first of each year.

(Code 1970, § 2-6)

State law references: Municipal uniform fiscal years, G.S. § 7-381 et seq.

Sec. 2-4. Reports to common council.

Each office, department, commission, board or other agency of the city government shall report, in writing, on all petitions and resolutions referred to it by the common council not later than the second regular monthly meeting of the common council after the date of such referral, unless otherwise specified in such petition or resolution. Such report shall indicate the name of the maker(s), the number, and the general subject of such petition or resolution and shall specify the type of action taken or the reasons, if any, for a delay in action. Any petition or resolution which is delayed, tabled, referred, or in any event not disposed of, shall continue to be reported on until such final disposition, such report to be submitted on a form other than common council printed agenda.

(Code 1970, § 2-7; Ord. of 2-70)

Sec. 2-5. Equipment, material and personnel to be used by city only; exceptions.

- (a) *Generally prohibited; exceptions.* No city department shall permit the use of equipment or material owned or leased by the city or of personnel employed and paid by the city for any work or service other than municipal public business where the work or service to be performed is in excess of the value of twenty-five dollars (\$25.00), except in cases where one or more of the following conditions exist:
 - (1) *State of emergency.* The city is in a state of emergency declared by the mayor or other competent authority, and the work or service is necessary to prevent or alleviate damage to persons or property caused by the emergency condition.
 - (2) *Loan to other governments.* The city is requested to furnish equipment, material or personnel by competent Federal or State government or civil preparedness authorities or by competent authorities of another municipality, for use outside of the city in meeting an emergency condition.
 - (3) *Only city is equipped.* No private source is available in the vicinity to furnish the needed equipment, material or personnel and the work or service can be performed by the city without substantial interference with or delay to municipal

public business and will, if so performed, relieve a substantial hardship, and the city is compensated at a rate comparable to that charged by private sources for the same or similar work or service.

- (4) *City's interest involved.* The city has an interest in having the work done in a particular way or by the use of particular equipment or methods and, in the opinion of the department head concerned, this can best be accomplished by the use of municipal equipment, material or labor to be paid for by the private party benefited.
- (5) *Violation of standards.* A private party is in violation of some provision of the charter, statutes or ordinances in failing to perform some work or service and the city has a legal right or duty to perform the work or service at the expense of the private party guilty of the violation.
- (6) *Incidental benefit.* The benefit to the private party is incidental to the removal of gravel or other material for the use of the city or is incidental and necessary to the accomplishment of some municipal public purpose.
- (b) *Approval of executive required.* The approval of the mayor, or of the executive head of the board, commission or department concerned, shall be required before any use described in paragraph (a) of this section may be made of city personnel or property.
- (c) *Report to council.* The executive head of any board, department or commission whose employees or material are used as described in paragraph (a) of this section shall report the details of such use to the council, within two (2) months after the commencement of the work or of the making of an agreement to do it, whichever is earlier. Such report shall describe the work performed, or to be performed, the reason for it, the private party benefited, or to be benefited, and the compensation received, or to be received, by the city.

(Code 1970, § 2-8)

Sec. 2-6. Endorsements required on insurance and bonds.

All contracts of insurance and bonds shall include the following provisions or endorsements:

- (1) Loss, if any, to be payable to _____ Treasurer, City of New Britain.
- (2) Loss, if any, under this policy shall be adjusted with a committee consisting of: mayor; corporation counsel; and director of finance.

(Code 1970, § 2-303; No. 26768-1, 2-13-02)

Sec. 2-7. Bonds of officials and employees.

The purchasing agent shall procure bonds for all officials and employees who are required to be bonded under the provisions of the general statutes. Such bonds shall conform to the provisions of the general statutes and in the case of the city treasurer and the tax collector shall be in an amount of at least one hundred thousand dollars (\$100,000.00).

(Code 1970, § 2-304; Ord. of 7-01)

Sec. 2-8. Smoking policy.

(a) *General policy.*

- (1) It is the policy of the city to respect the preferences of both smokers and nonsmokers in the work environment.
- (2) When these preferences conflict, the city will try to find a reasonable accommodation such as determining if a ventilation problem exists and correcting it if it does, or by relocating the smoker or nonsmoker as is appropriate and convenient.
- (3) When such an accommodation is not possible, smoking will be prohibited in the area where it adversely impacts others.

(b) *Prohibited common areas.*

- (1) Smoking is not permitted in unvented confined areas of general access, such as meeting or classrooms, rest rooms, auditoriums, designated conference rooms, library areas, health facilities, public service areas, elevators, hallways, stairwells, and employee lounges.
- (2) Smoking is not permitted in areas with sensitive equipment, or where records and supplies would be exposed to hazard from fire, ashes, or smoke.
- (3) Smoking is also prohibited where combustible fumes can collect, such as in garage and storage areas, chemical laboratories, and all other areas where occupational safety or health hazards might exist.
- (4) At the recommendation of the smoking policy committee and with the approval of the mayor or his designee, other locations where smoking is prohibited may also be designated.

(c) *Smoking restrictions.*

- (1) Where work area space is shared by two (2) or more employees, accommodations to individual preference will be made when possible. For example, department heads, when asked, will try to separate smokers and nonsmokers. If accommodations cannot be reached by moving either, or other alternatives are not available, then smoking in the surrounding area will be prohibited. If necessary, the matter may be referred to the personnel director for final decision.
- (2) In city vehicles, smoking will be permitted only as long as there is no objection from one or more of the occupants.

(d) *Optional areas.* Employees who have private offices may designate their office as "nonsmoking" or smoking" areas and post them as such with an appropriate sign.

(e) *Visitors.* Visitors will be encouraged to abide by the same smoking rules as employees.

(f) *Conflicts; enforcement.* No one can guarantee that these efforts [these guidelines] will satisfy every person. The city asks both nonsmokers and smokers to be flexible, to respect each other's needs, and to cooperate to resolve conflicts. The department head is responsible for the enforcement of this policy.

- (g) *Smoking in City Hall.* Notwithstanding the provisions of subsections (a) through (f), smoking shall be prohibited at all times in all areas of City Hall, 27 West Main Street.
- (h) *Penalties* for violation of subsection (g):
 - (1) Any employee who violates the provisions of subsection (g) shall be subject to disciplinary action as follows:
 - a. First offense--A verbal warning;
 - b. Second offense--A written warning;
 - c. Third offense--Two (2) weeks suspension without pay;
 - d. Habitual offender--Termination.
 - (2) Any person who is not an employee and who violates the provision of subsection (g) shall be subject to a fine as provided in section 1-15 for each offense.

(Res. of 2-87; Ord. of 9-92)

Editor's note: Codification of a nonamendatory resolution of February, 1987, as § 2-8 has been at the editor's discretion. The italicized subcatchlines were added by the editor for clarity and to facilitate indexing.

Sec. 2-9. Gender equity.

- (a) *Statement of purpose.* The City of New Britain is committed to take all necessary action to foster and support the concept of gender equity and to eradicate the vestiges of customary practices which have failed to give due recognition to the participation of women in public service. It is the intention of the city and the purpose of this section to mandate that gender equity be and is the policy of the City of New Britain.
- (b) *Required action.*
 - (1) All printed material utilized and drafted by the city shall recognize the concept of gender equity by using masculine or feminine gender designations as appropriate.
 - (2) In addressing female members of the common council, boards, commissions and agencies the appropriate feminine gender title is preferred.
 - (3) Wherever and whenever appropriate and in all dealing with public officials, employees and members of the public, it shall be the policy and practice of the city to act in accordance with the principles espoused by the concept of gender equity.

(Ord. of 9-93)

Secs. 2-10--2-20. Reserved.

ARTICLE II. COMMON COUNCIL*

***Charter references:** Common council, § 501 et seq.

State law references: Definition of "legislative body," G.S. § 1-1(m); town and other community meetings, G.S. §§ 7-1--7-9a; appropriations of council, G.S. § 7-121; requirement that increase in compensation of legislative body be subject to referendum, G.S. § 7-460.

DIVISION 1. GENERALLY

Sec. 2-21. Common council meetings.

- (a) Regular meetings of the common council for the transaction of all legal business shall be held on the second and fourth Wednesday of each month, except in the months of July, August, November and December there shall be only one meeting held on the second Wednesday of the month. All stated regular meetings of the common council shall commence at 7:30 p.m.
- (b) Notwithstanding subsection (a). In odd numbered years, the regular meeting of the common council for the month of November shall be held on the first Wednesday following the date on which newly elected officials take office. At such meeting, before any other business is considered, the common council shall elect a president pro tempore (who shall be sworn-in accordingly), announce the persons selected by each political caucus to be such caucus' leaders, appoint a clerk of committees (who shall be sworn-in accordingly), adopt the standing rules of the common council, appoint common council committees, and appoint common council liaisons.

(Code 1970, § 2-9; Ord. of 11-75; Ord. of 11-84; Ord. of 4-96; Ord. of 6-98; Ord. of 5-00; No. 26679-1, 10-24-01)

Charter references: Meetings, § 502.

Sec. 2-22. Public participation sessions.

There shall be public participation sessions held prior to each regularly scheduled common council meeting from 7:00 p.m. to 7:30 p.m., at which time members of the public shall be afforded the opportunity to address the members of the common council on any matters concerning the operations of city government as well as on matters on the agenda of the meeting. Such sessions must be attended by the respective department heads, or their designee, who will respond to any questions concerning the operation of their respective department. Individuals who insist on making slanderous remarks, in engaging in or behaving in a disruptive, disorderly or discourteous manner will not be allowed to continue in attendance at such a meeting. If such behavior cannot be contained, the meeting for that date will be terminated. No placards, slogans or banners shall be allowed into the council chambers at such a meeting.

(Code 1970, § 2-9(a); Ord. of 4-82; Ord. of 5-96; Ord. of 5-98; Ord. of 5-00)

Sec. 2-23. Special meetings--Authority to call.

- (a) *Mayor or president pro tem.* The mayor, or in case of his disability or absence from the city, the president pro tempore of the common council, may at any time call a special

meeting of the council.

- (b) *Request of aldermen.* Upon written request of five (5) aldermen, the mayor, or in case of his disability or absence from the city, the president pro tempore of the common council, shall call a special meeting of the common council, which meeting shall be called within five (5) business days after receipt of such request.

(Code 1970, § 2-10; Ord. of 12-73)

Sec. 2-24. Same--Procedure for calling; notice to members.

- (a) *Warrant.* Special meetings of the council shall be called by issuing a warrant to the clerk requiring him to notify all members of the council that a special meeting will be held at the time and place designated in the warrant.
- (b) *Notice of members.* Notice of special meetings of the council shall be given by mailing to their last known place of abode or having delivered by police messenger to each member of the council, at least twenty-four (24) hours prior to the meeting, true copies of the warrant endorsed by the clerk along with copies or adequate summaries of the business matters proposed to be acted upon at such meeting.

(Code 1970, § 2-11)

Sec. 2-25. Attendance of alderpersons at meetings of boards, commissions, and agencies; location of meetings; notice.

- (a) *Alderpersons may attend any meetings.* The members of the council, or any of them, may attend the regular, special, or other meetings of all boards, commissions and agencies, when, in their discretion, their presence would best serve the interests of the city. All Alderpersons shall be ex officio members of any committee or subcommittee of the common council and in that capacity shall have the right to attend executive sessions. Said ex officio members shall not count as members for purposes of determining a quorum.
- (b) *Chair to recognize.* The chair shall recognize and permit any question propounded by any council member in attendance.
- (c) *Location; notice.* Effective immediately, all meetings of municipal board and commissions must be held in public buildings owned or leased by the city, unless notice of meetings outside of city property have been given, in writing, to the mayor, members of the common council and the town clerk, at least seven (7) days in advance of said meetings. No meetings of any board or commission of the city shall be held unless twenty-four (24) hours' notice has previously been given to the mayor; members of the common council and the town clerk, to be properly publicized.
- (d) *Time of meetings.* No regular meeting of any city board, commission, agency or committee of the common council, except for the commissions on aging, persons with disabilities, youth services, board of assessment appeals and the school building committee shall be scheduled or held earlier than 6:00 p.m.
- (e) *Location of meetings of committees appointed by the common council.* All meetings of committees or subcommittees of the common council shall be held in city hall, provided that school building committees may meet in the administrative offices of the board of

education and may hold meetings in schools when deemed appropriate by a majority of the members of the school building committee.

(Code 1970, § 2-12; Ord. of 4-74; Ord. of 2-90; Ord. of 11-95; Ord. of 2-7-96; Ord. No. 26891-1, 3-27-02; Ord. No. 27370-1, 2-26-03; Ord. No. 28622-2, 6-17-05)

Cross references: Attendance at public hearing conducted by zoning committee, § 2-101.

Sec. 2-26. Badges of aldermen.

After taking the oath of office, each alderman shall have a badge of office issued to him by the clerk for which a receipt shall be signed. Upon termination of his term of office, he shall either return or purchase the badge from the clerk. When this is done, the clerk shall cancel the receipt.

(Code 1970, § 2-13)

Sec. 2-27. Council powers in removal of officials.

Whenever by the Charter or ordinances, the council is granted the power to remove any city officer or official, such power shall not be exercised, except upon written charges made by the mayor or by three (3) members of the council presented in writing to the council. The council shall thereupon by a majority vote determine whether such charges shall be presented and tried, and if it shall be affirmatively determined, to present and to try such charges. A special meeting of the council shall be called, which shall give a hearing to such official, or officer, who shall have the right to be present, to be represented by counsel and to have witnesses summoned to appear before the council and to be confronted with the witnesses against him. At such hearing the council shall not be bound by the rules, of evidence, but the council shall not remove any such official, unless due and sufficient cause exists and shall be proved at such hearing.

(Code 1970, § 2-15; Ord. of 7-01; Ord. No. 27783-1, 1-21-04)

Charter references: Power to remove officers, § 135; removal under civil service, § 392; removal by mayor, § 2344.

State law references: Failure of elected official to perform the duties of office, G.S. § 7-104; resignation of municipal officers, G.S. § 7-103; refusal of elected official to accept office, G.S. § 7-104.

Sec. 2-27.1. Council investigatory powers.

Pursuant to section 4-2(k) of the Charter, any person who refuses to obey a subpoena of the common council or its authorized investigative committee shall be fined not more than one hundred dollars (\$100.00) upon a finding that the person has refused to obey a subpoena except that said fine shall not exceed that which is permitted by the Connecticut General Statutes.

(Ord. of 7-01)

Sec. 2-28. Referral to corporation counsel of ordinance changes.

No ordinance shall be approved or amended by the council except after having been referred to the corporation counsel for an opinion as to its legality. The opinion of the corporation counsel of the proposed ordinance or amendment shall be advisory only.

(Code 1970, § 2-16)

Charter references: Corporation counsel, §§ 1501--1505.

Sec. 2-29. Waiver of building permit fees for non-profit organizations.

Waivers of building permit fees shall be limited to non-profit organizations providing health, educational, or religious services to citizens of the city; provided that, such organization has submitted evidence that such waiver will accrue benefit solely to the non-profit organization requesting such waiver and that such waiver shall require a two-thirds (2/3) vote of the common council and that non-profit organizations not offering health, educational, or religious services shall require the unanimous approval of the common council for waiver of building permit fees, and only upon submission of evidence that such waiver will accrue solely to the nonprofit organization requesting such waiver.

(Code 1970, § 2-17; Ord. of 11-74)

Sec. 2-30. Waiver of building permit fees for municipal projects.

Building permit fees shall be waived for all public projects subsidized by the City of New Britain and executed by any department or agency of the city excluding all projects for the consolidated school district and projects executed by city departments but not subsidized by the City of New Britain.

(Ord. of 10-90; Ord. of 4-97; No. 26986-1, 6-12-02)

Sec. 2-31. Official presentation of amendments.

- (a) In each resolution or other item presented before the common council proposing amendments to the Code of Ordinances, the full text of sections of said Code in which text is proposed to be inserted and/or deleted shall be included in such resolution, including both the text to be inserted and the text to be deleted; except as provided in subsection (b) of this section, all text proposed to be inserted into said Code shall be underlined and all text proposed to be deleted shall be presented in strikethrough text (examples: underline, ~~strikethrough~~).
- (b) Whole sections proposed to be inserted into the Code of Ordinances by such a resolution or other item need not be underlined, but the word "(new)" shall be written between the proposed section number and the text of said proposed section.
- (c) Each resolution or other item presented before the common council proposing changes to the Code of Ordinances shall include a brief, prose description of the effect(s) that the proposal would have if adopted as part of said Code.

(Ord. of 5-00)

Sec. 2-32. Acceptance of gifts.

Pursuant to section 4-2(e) of the Charter, gifts of money or property in excess of five hundred dollars (\$500.00) value may be approved for acceptance in the name of the city by a resolution of the common council. All gifts of a value less than five hundred dollars (\$500.00) may be received in the name of the city by the mayor or by persons the mayor may designate.

(Ord. of 7-01)

Sec. 2-33. Adoption of fees charged by city departments.

Pursuant to section 4-2(d) of the Charter, all fees charged by city departments may be subject to approval by the common council through either resolution or ordinance.

(Ord. of 7-01)

Secs. 2-34--2-40. Reserved.

DIVISION 2. COUNCIL SUBJECT MATTER COMMITTEES*

***Editor's note:** Ord. No. 27765-1, § I, adopted Jan. 28, 2004, repealed the former Divs. 2--8, §§ 2-41--2-118, and enacted a new Div. 2, §§ 2-41--2-52 as set out herein. The former divisions pertained to similar subject matter. For complete derivation, see the Code Comparative Table at the end of this volume.

Sec. 2-41. Council subject matter committees established.

The following subject matter committees of the council shall be appointed biennially by the council at the regular meeting in November of odd numbered years. There shall be three (3) subject matter committees of the common council with legislative cognizance and jurisdiction over all matter related to certain specified boards, commissions, departments, agencies, authorities, functions of the city and such other functions as may be identified in this section. Each such committee shall have up to nine (9) members selected by the common council and each member of the common council shall be a member of at least two (2) of such committees, excluding the zoning subcommittee. The common council shall select the chairperson of each such committee. Each such committee shall set and announce the dates and times of its regular meetings. No member of the common council shall be the chair of more than one (1) subject matter committee. The majority party leader, minority party leader and president pro tempore shall not be a chair of any subject matter committee. Any member of the council may attend and participate in any committee meeting but shall not have the right to vote unless a member of such committee.

(Ord. No. 27765-1, § I, 1-28-04; Res. No. 28854-2, 2-22-06; Res. No. 28878-2, 6-14-06)

Sec. 2-42. Committees.

The three (3) committees and their respective areas of cognizance and jurisdiction shall be as follows:

- (1) The committee on administration, finance and law, with cognizance and jurisdiction over all matters related to and the budgets of the mayor's office, the common council office, the office of the corporation counsel, the office of the assessor, the board of assessment appeals, the office of the finance director, the office of the personnel director, the town and city clerk, the office of the registrars of voters, the office of the tax collector, affirmative action, human rights and opportunities, auditing, bonding, claims against the city and compensation of elected officials;
- (2) The committee on public works and infrastructure, education, human services, parks and recreation, health and public safety, with cognizance and jurisdiction over all matters related to and the budgets of the department of public works, capital equipment, the city capital improvement budget, water department, human services, education, the board of education, the public library, veterans' services, youth services, persons with disabilities and the department of parks and recreation, police department, the fire department (except fire code enforcement), civil preparedness, telecommunications, emergency medical services, emergency dispatch and public health services;
- (3)
 - (a) The committee on planning, zoning and housing, with cognizance and jurisdiction over all matters related to and the budgets of the department of municipal development, the office of the city department of property management; the commission on community and neighborhood development, city planning and zoning, the city plan commission, neighborhood quality of life, the municipal economic development authority, economic development, overseeing the purchase, sale and lease of all city owned real estate property; and overseeing the legislation of fire, building and housing zoning code, the city's anti-blight and environmental health ordinances.
 - (b) The common council may refer matters of property disposition to the committee on planning, zoning and housing. The chairperson of the committee on planning, zoning and housing has the discretion and authority to schedule a public hearing on the disposition of city owned real estate if he/she deems it to be appropriate. After meeting and consideration, the committee on planning, zoning and housing will present a recommendation to the council regarding the disposition of the property.

(Ord. No. 27765-1, § I, 1-28-04; Res. No. 28878-2, 6-14-06)

Sec. 2-43. Clerk of committees.

- (a) The clerk of committees of the common council shall:
 - (1) Assist the members of the council in matters pertaining to the business of the city and do related work as required;
 - (2) Work directly under the supervision of the council;
 - (3) Compile and maintain a register or registers in the office of the corporation counsel of the receipt, referral, and final disposition of all petitions and resolutions coming before the council at all meetings;

- (4) Assist members of the council in matters pertaining to city business, and attend all meetings of the council committees and the preparation, when requested by the committees, of typewritten minutes of such meetings;
 - (5) Maintain in up-to-date manner such number of copies of the Charter and ordinances as shall be necessary;
 - (6) Maintain in an up-to-date manner an index of the proceedings of the council on an annual basis;
 - (7) Maintain an up-to-date context and index of changes in the zoning ordinance;
 - (8) Maintain an up-to-date listing of all special exceptions to the zoning ordinance;
 - (9) Do related work as required;
 - (10) Have thorough knowledge of the principles, methods, and techniques of state and municipal government; considerable knowledge of parliamentary procedure as defined in Robert's Rules of Order, The Revised Edition; considerable ability to deal effectively with city officials and the public.
- (b) Compensation for the clerk shall be as set by the common council.
- (Ord. No. 27765-1, § I, 1-28-04)

Sec. 2-44. Standing claims subcommittee.

- (a) There is hereby created a standing claims subcommittee of the committee on administration, finance and law to be designated the standing claims subcommittee, consisting of at least five (5) alderpersons and, ex-officio, the corporation counsel. In addition, all alderpersons not appointed to the standing claims subcommittee shall be designated as alternate members. In the absence of a member of the standing claims subcommittee, an alternate shall be selected by the chairperson of the committee to sit as a member. When seated, such alternate shall have all the powers and duties of members.
- (b) Meetings of the claims subcommittee shall be called by the chairperson or clerk of the subcommittee by mailing a notice in writing to each member of the subcommittee through the post office in the city at least twenty-four (24) hours in advance of the time proposed for the meeting.
- (c) Subject to subsection (c) of this section, all claims for damages to persons or property in excess of twenty-five hundred dollars (\$2,500.00) presented against the city shall be presented to the claims subcommittee for appropriate action.
- (d) No claim shall be referred to or be considered by the claims subcommittee unless it appears, by the certificate of the clerk endorsed on the face of the paper or petition whereby the claim is presented to the council, that due notice of the claim was reasonably given as required by the laws of this state.
- (e) Upon the receipt of a claim as provided in subsection (c) of this section, the claims subcommittee shall inquire into, make a finding of facts and report its recommendations on such matter to the committee on administration, finance and law. If the claims subcommittee recommends an adjustment of any claim against the city, it shall, if

possible, designate the department considered responsible for such damages, and may further recommend that payment of such claim be made from the funds of the designated department. Upon approval of the aforementioned recommendation by the council, the director of finance shall draw his order for the payment of the claim upon the funds of such department.

- (f) The corporation counsel shall have the authority to compromise or settle any claim for personal injury or property damage presented against the city for an amount which does not exceed twenty-five hundred dollars (\$2,500.00). The corporation counsel shall provide a monthly report to the common council of those claims which have been settled within the twenty-five hundred dollar (\$2,500.00) authority limit during the previous month.

(Ord. No. 27929-1, 4-14-04)

Sec. 2-44.1 Standing bonding subcommittee.

- (a) *Establishment; composition; chairperson.* There is hereby created a standing bonding subcommittee of the committee on administration, finance and law. Such standing bonding subcommittee shall consist of all members of the committee on administration, finance and law and the common council shall appoint these members. The committee shall also contain two (2) members of the board of finance and taxation who shall be appointed by the mayor with the consent of the common council. The chairperson of the standing bonding subcommittee shall be the same as the chairperson of the committee on administration, finance and law. The mayor or the chair of the committee on administration, finance and law shall have the authority to call meetings of the standing bonding subcommittee.
- (b) *Duties.* The bonding committee shall examine all public works projects, capital improvement projects, school building projects, accrued liabilities and all other projects in the city for which bonding has been proposed and referred by the mayor. The committee shall report its recommendations concerning such projects to the common council and the mayor within sixty (60) days of the referral of those projects to the bonding committee.
- (c) *Bond authorization and adoption.* The bonding committee shall present a report regarding its bond appropriation recommendation to the common council at a special meeting called specifically to act upon such recommendation and bond resolution.
- (d) *Public notice.* Publication of a notice in a newspaper circulated in the city as well as being posted on the City of New Britain website, shall be made on the Monday immediately preceding the special meeting of the common council, which notice shall contain the date, time and location and the proposed recommendation and bond resolution.
- (e) *Sale of notes and bonds.* The mayor and treasurer shall have the authority to borrow in the name of the city, by obligations signed by the mayor and countersigned by the treasurer, such sums of as in their opinion may be needed to defray bond appropriations which have been authorized. Such borrowings in the form of bond anticipation notes, revenue or general obligation bonds may at the discretion of the mayor be sold through on a negotiated sale basis or through competitive bid, whichever is deemed to be in the best interest of the city.

(Ord. No. 27929-1, 4-14-04; Ord. No. 28482-2, 5-5-05)

Sec. 2-45. Zoning authority and public hearing.

- (a) Pursuant to the City of New Britain Charter section 4-3, the Common Council, consisting of the fifteen (15) members, is hereby designated as the Zoning Authority of the City of New Britain.
- (b) The planning, zoning and housing committee shall conduct all zoning public hearings, as required by section 4-3 of the Charter, on all matters referred to it by the council for the purpose of amending, supplementing, changing modifying or repealing any of the zoning regulations restriction and boundaries when the committee meets to hold a public hearing on a zoning matter, such public hearing shall be first on the committee agenda. All members of the common council shall be notified and be permitted to participate in such hearings.
- (c) No petitioner having a petition pending before the committee on planning, zoning and housing or the zoning board of appeals, or the city plan commission shall be given leave to withdraw his petition, or to postpone action on the same, where a date for a hearing upon the same has been set and legally advertised; provided, however, that, a request for leave to withdraw or postponement may be heard by the body concerned where the petitioner has notified the chairperson of the hearing body in writing of his intention to seek such leave to withdraw or postponement of action and had, thereafter at his own expense by legal advertisement in a local newspaper, notified the public not less than five (5) days before the date set for the hearing of his intention to seek such leave to withdraw his petition or to seek postponement of action thereon.
- (d) The committee on planning, zoning and housing shall make a report to the council each month following its meeting on every matter referred to it.
- (e) The failure of the committee on planning, zoning and housing to report to the council within sixty (60) days after a matter has been referred to it shall be taken as approval by the committee and the council may thereafter take action on such matter.
- (f) No member of the common council shall vote on a proposed amendment to the zoning ordinances unless such member was present at the public hearing conducted by the committee on planning, zoning and housing or unless such member shall have listened to the tape recording of the proceedings of the public hearing. Prior to voting on an amendment to the zoning ordinances a member of the common council who may not have been in attendance at the public hearing shall cause to be placed on the record of the proceedings of the common council that he/she has fully complied with the requirement of listening to the tape of the public hearing.

(Ord. No. 27765-1, § I, 1-28-04)

Sec. 2-46. Purchase of capital equipment.

- (a) The committee on public works and infrastructure, education, human services, parks and recreation, health and public safety shall consider requests for purchases of capital equipment with the proceeds of the capital equipment reserve fund, and shall report its recommendations to the common council and the board of finance and taxation.

Approval of the common council and board of finance and taxation shall be required to authorize the proposed expenditure.

- (b) On all issues involving the purchase of capital equipment, the chairperson of the board of finance shall appoint two (2) members from the board of finance and taxation who shall serve on said committee as voting members. These two (2) members will be notified prior to any meeting in which the committee on public works and infrastructure, education, human services, parks and recreation, health and public safety meets to discuss the purchase of capital equipment and these issues shall take priority over other matters on the agenda.
- (c) The committee on public works and infrastructure, education, human services, parks and recreation, health and public safety will, upon submission to it of the compilation of needs requested by the finance officer pursuant to section 2-513 of this Code meet no later than February 1 of each year to formulate its recommendations to the board of finance and taxation for a sum of money to be appropriated for the ensuing fiscal year's budget. The two (2) appointed members of the board of finance and taxation, referred to in subsection (b) above, shall be included in the annual meeting regarding capital equipment.
- (d) The committee on public works and infrastructure, education, human services, parks and recreation, health and public safety shall meet and recommend to the common council and the board of finance and taxation specific expenditures from the capital equipment reserve fund.

(Ord. No. 27765-1, § I, 1-28-04; Res. No. 28878-2, 6-14-06)

Sec. 2-47. Amendment of ordinance.

Each proposed ordinance shall be referred by the common council to whichever council subject matter committee has the most logical cognizance and jurisdiction. A public hearing shall be held on each such proposed ordinance prior to any final action thereon. Such committee may report said proposed ordinance to the full common council unchanged with a favorable recommendation, amended with a favorable recommendation, unchanged with a neutral recommendation, amended with a neutral recommendation or with an unfavorable recommendation. If such a committee fails to submit a report to the full common council on a proposed ordinance within three (3) months of the date it was referred to it, a petition signed by at least six (6) members of the common council shall cause the proposed ordinance to be again before the full common council as if it had been reported by said committee with a neutral recommendation. Otherwise, the full common council shall not act on said proposed ordinance.

(Ord. No. 27765-1, § I, 1-28-04)

Sec. 2-48. Budget estimates.

Each council subject matter committee shall receive a copy of the budget estimates submitted to the mayor and the board of finance and taxation pursuant to subdivision (1) of subsection (a) of section 10-3 of the City Charter concerning the boards, commissions, departments, agencies and authorities of the city within its cognizance. Such committee shall review these estimates.

(Ord. No. 27765-1, § I, 1-28-04)

Sec. 2-49. Annual budget preparation.

- (a) Members of the board of finance and taxation shall meet in joint session with each council subject matter committee on the matters within such committees cognizance after completing its work in composing its recommendation to the mayor pursuant to subdivision (1) of subsection (b) of section 10-3 of the City Charter, reviews the boards, commissions, departments, agencies and authorities of the city within the cognizance of such committee. Such meeting shall take place at the call of the subject matter committee chairpersons.
- (b) When the common council receives the mayor's proposed budget pursuant to subdivision (2) of subsection (b) of section 10-3 of the City Charter, the common council shall refer, to each council subject matter committee, the portions of said budget pertaining to the boards, commissions, departments, agencies and authorities of the city within the cognizance of such committee. Such committee shall review its assigned portion of the mayor's proposed budget and shall report it back to the full council, together with its proposed amendments, within forty-five (45) days of the date that the mayor presents the mayor's proposed budget to the common council.

(Ord. No. 27765-1, § I, 1-28-04)

Sec. 2-50. Oversight of boards and departments.

Each council subject matter committee may require the attendance at any or all of its meetings upon the giving of at least forty-eight (48) hours' notice of key persons from any of the boards, commissions, departments, agencies and authorities of the city within the cognizance of such committee. Each such committee shall keep informed as to the activities and performance of each of the boards, commissions, departments, agencies and authorities of the city within the cognizance of such committee. Members of each committee may be assigned as liaisons to boards, commissions, departments, agencies and authorities of the city within the cognizance of such committee. Each such committee shall submit such reports and resolutions to the common council as it shall deem appropriate. Each such committee shall propose such ordinances as it shall deem appropriate to the boards, commissions, departments, agencies, authorities and functions of the city within the cognizance of such committee. These proposed ordinances shall be presented as the committee's proposal pursuant to section 2-47.

(Ord. No. 27765-1, § I, 1-28-04)

Sec. 2-51. Report to council.

Any other matter before the common council not requiring immediate attention of the common council shall be referred to whichever council subject matter committee has the most logical cognizance and jurisdiction. Such committee may report said proposal to the full common council unchanged with a favorable recommendation, amended with a favorable recommendation, unchanged with a neutral recommendation, amended with a neutral recommendation or with an unfavorable recommendation. If such a committee fails to submit a report to the full common council on such proposal within one (1) month of the date it was referred to it, a petition signed by at least six (6) members of the common council shall cause the proposed ordinance to be again before the full common council as if it had been reported by said committee with a neutral recommendation.

(Ord. No. 27765-1, § I, 1-28-04)

Sec. 2-52. Notice of public hearing.

- (a) Except as otherwise provided herein, no public hearing required pursuant to this chapter shall be conducted unless notice of the time and place of such hearing shall be filed in the office of the town and city clerk at least seven (7) calendar days prior to said hearing. The clerk of committees shall, with the assistance of common council staff, compile a weekly list of public hearings that have been noticed in the office of the town and city clerk. On the Sunday prior to any proposed public hearing, notice shall be given in the form of a legal advertisement in a newspaper having a general circulation in the City of New Britain of all public hearings for the upcoming week. Said notice(s) shall be combined as possible.
- (b) Should there be a week when no public hearings occur, no public notice shall be required in a newspaper.
- (c) For any public hearing pertaining to a zoning ordinance, regulation or boundary, notice of the time and place of such hearing shall be published in the form of a legal advertisement appearing in a newspaper having a general circulation in the City of New Britain at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than (10) days, and the last not less than two (2) days, before such hearing, and a copy of such proposed regulation or boundary shall be filed in the office of the town and city clerk for public inspection at least ten (10) days before such hearing.
- (d) All public hearings for proposed ordinance changes may be conducted by either a majority of the membership of the common council or by a legally constituted quorum of a subcommittee thereof if the proposed matter is before a common council subcommittee. This subsection does not apply to public hearings on zoning matters and/or public hearings as required under sections 7-29, 13-38, 17-2, 14-112, 14-123, 19-53, and 19-54, nor any public hearing required and governed by the Connecticut General Statutes.
- (e) Whenever possible the city will also place public hearings on the city's website.

(Ord. No. 27765-1, § I, 1-28-04; Ord. No. 27953-2, 9-14-04)

Secs. 2-53--2-125. Reserved.

ARTICLE III. BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES*

***Charter references:** Board and commission members required to be electors of city, § 137.

Cross references: Board of ethics, § 2-461 et seq.; bureau of fire prevention, § 8-33 et seq.

DIVISION 1. GENERALLY

Sec. 2-126. Holding multiple offices prohibited.

No person shall be a member of more than one board, commission, committee or authority at the same time, except as provided by the Charter.

(Code 1970, § 2-193; Ord. of 7-01)

Sec. 2-127. Residence requirements.

All commissioners and appointees of any board, commission, committee or authority shall be residents and electors of the city.

(Code 1970, § 2-194; Ord. of 5-74; Ord. of 7-01)

Sec. 2-128. Rules of procedure in meetings.

- (a) *Parliamentary procedure.* The chairperson of all boards, commissions, committees and authorities shall observe parliamentary procedure using Roberts' Rules of Order as a guide when conducting meetings.
- (b) *Record of moving parties.* An accurate record shall be made of the wording of each motion and names of persons making and seconding the motions.
- (c) *Record of votes on roll call.* Whenever a roll call vote is taken, the names of those voting pro and con shall be recorded.
- (d) Each member of a board or commission shall vote yes or no on every question put to vote by the chair unless such member has a personal or pecuniary interest in the matter so as to constitute a conflict of interest or the appearances of a conflict of interest. If a member must abstain based on a conflict of interest or the appearances of a conflict, he/she shall state his/her reasons for abstaining and shall not participate in any discussion concerning the matter. No member may be excused from voting on a matter for any other reason.
- (e) *Public participation session.* There shall be a public participation session at the beginning of the regular monthly meeting of every board and commission at which time members of the public shall be afforded the opportunity to comment on matters relevant to that particular board or commission.

(Code 1970, § 2-195; Ord. of 9-77; Ord. of 9-86; No. 27351-1 2-26-03)

Editor's note: An ordinance of Sept., 1986, purported to amend § 2-128(c) hereof; however, inasmuch as the amendatory provisions addressed subject matter contained in § 2-128(d), abstentions from voting, said provisions have been codified herein as superseding § 2-128(d).

Sec. 2-129. Certain boards, etc., to keep records of minutes.

- (a) All city boards, commissions, committees and authorities shall maintain a record of minutes of its meetings.
- (b) In the case of the following boards and commissions a person other than the department head, board or commission member, or active participant in the discussions shall be

designated as clerk or recording secretary and shall take minutes of the meeting for subsequent transcription and publication:

- (1) Building commission;
- (2) City plan commission;
- (3) Civil service commission;
- (4) Board of finance and taxation;
- (5) Board of fire commissioners;
- (6) Board of police commissioners;
- (7) Board of public works;
- (8) Board of water commissioners;
- (9) Zoning board of appeals.

(Code 1970, § 2-196)

Sec. 2-130. Recording secretary to receive manual.

The persons designated to serve as clerk or recording secretary pursuant to section 2-129 shall receive a manual of procedure and a period of instruction, on the proper method of recording minutes of meetings, using standardized format, by the personnel director.

(Code 1970, § 2-197)

Sec. 2-131. Distribution of minutes of meetings.

Minutes of board, commission, committee and authority meetings shall be distributed within seven (7) days of the date of the meeting as follows:

- (1) The original copy of the minutes shall be filed in the appropriate departmental, board, commission, committee or authority office with proper security provided against fire, theft or access by unauthorized personnel.
- (2) A copy mailed to each commission, board, committee or authority member.
- (3) A copy sent to the mayor's office.
- (4) A copy sent to the clerk's office where it shall be filed in a place secure against fire, theft or access by unauthorized personnel.
- (5) Fifteen (15) copies be sent to the common council office for distribution to the aldermen.

(Code 1970, § 2-198; Ord. of 11-88)

Sec. 2-132. Approval of council required for all rentals.

No department, board, commission, committee or authority shall hire or rent equipment, material, or supplies on a rental or lease purchase plan or agreement, without the approval of the council.

(Code 1970, § 2-199; No. 26768-1, 2-13-02)

Sec. 2-133. City to participate in regional planning agency.

- (a) *Adoption of ordinance.* Pursuant to the provisions, sections 8-31a through 8-37a of the General Statutes, as amended, the city hereby adopts the provisions of chapter 127 of the General Statutes and elects to participate in the regional planning agency now or henceforth existing under authority of such chapter in the New Britain-Bristol Planning Region as defined by the Connecticut Development Commission pursuant to the provisions of such chapter.
- (b) *Four (4) representatives in agency.* The city, having a population of eighty-two thousand, two hundred one (82,201), according to the federal census of 1960, shall have four (4) representatives in the agency.
- (c) *Appointment of members.* The mayor shall appoint to the agency three (3) electors of the city.
- (d) *Terms of office.* The city planning commission, duly constituted, shall appoint one elector to the agency for a term of three (3) years.
- (e) *Successors.* Appointees shall serve for the term of their office and until their successors have been appointed. Appointees may be reappointed.
- (f) *Commencement of term.* Terms of office shall commence when the appointment is made or from the first organization meeting of the agency whichever is later.
- (g) *Resignation of member.* Vacancies created by resignation or inability to serve shall be filled by the mayor for the remainder of the unexpired term. Any representatives who are absent from three (3) consecutive regular meetings thereof, shall be considered to have resigned from such body except that the requirements of this section may be waived by the mayor for good cause.

(Code 1970, § 2-201)

State law references: Formation and representation of regional planning agencies, G.S. § 8-31a; jurisdiction of regional planning agency, § 8-32a.

Sec. 2-134. Terms of office.

- (a) Unless otherwise provided by state law or city ordinance, the term of office for members of all boards and commissions shall be two (2) years from each January 1 immediately following the mayoral election.
- (b) Notwithstanding any provisions in the code of ordinances to the contrary, the terms of the present members of all boards and commissions, unless otherwise provided by state law, shall expire on December 31, 2003.
- (c) The political party affiliation of all boards and commissions shall comply with section 9-167a of the Connecticut General Statutes entitled "minority representation".

(No. 26897-1, 12-11-02)

Secs. 2-135--2-140. Reserved.

DIVISION 2. BOARD OF ASSESSMENT APPEALS*

***Editor's note:** An ordinance adopted Feb. 26, 2003, amended §§ 2-141--2-143 in its entirety to read as herein set out. Former §§ 2-141--2-143 pertained to the board of compensation and assessment. For complete derivation see the Code Comparative Table at the end of this volume.

Sec. 2-141. Composition.

The board of assessment appeals shall consist of three (3) members.

(No. 27370-1, 2-26-03)

Sec. 2-142. Additional members.

For any assessment year in which a revaluation becomes effective or for any assessment year immediately prior to or subsequent to the revaluation year, the majority leader and the minority leader will recommend additional members which will be subject to council approval. These appointments will automatically expire on the first day of June in the year of appointment. In the absence of a minority party on the common council, the common council shall, by majority vote, recommend and approve the appointment of said additional members which was designated as that of the minority leader.

(No. 27370-1, 2-26-03; Ord. No. 27825-1, 1-28-04)

Sec. 2-143. Time of meetings.

The board of assessment appeals is authorized to meet on any business day, including Saturday, and the meetings may be held during the day or evening.

(No. 27370-1, 2-26-03)

Secs. 2-144--2-150. Reserved.

DIVISION 3. BOARD OF PUBLIC WELFARE*

***Charter references:** Board of public welfare, § 2171.

State law references: Delegation of powers to municipal welfare department, G.S. § 17-9; public assistance generally, G.S. §§ 17-82--17-134I; child welfare generally, G.S. §§ 17-32--17-81i.

Sec. 2-151. Election of chairman.

The board of public welfare shall elect one of its members to the position of chairman.

(Code 1970, § 2-245)

Sec. 2-152. Meetings.

Regular meetings of the board of public welfare shall be held at least once a month. The chairman of the board of public welfare may call such additional meetings as in his opinion are necessary.

(Code 1970, § 2-246)

Sec. 2-153. Clerk to keep record of meetings.

The superintendent of public welfare shall be the clerk of the board of public welfare and shall keep a record of all meetings of such board in a book provided for that purpose.

(Code 1970, § 2-247)

Sec. 2-154. Board to regulate welfare department; reports of the board; budget.

- (a) *Rules.* All rules and regulations concerning the operation of the welfare department shall be made by the board of public welfare and shall comply with the requirements of the Charter, this Code, and the statutes of the state.
- (b) *Reports.* The board shall make an annual report to the council concerning the preceding fiscal year, together with such additional reports as the council may require. Names of persons receiving relief from the city shall not be published in this annual report.
- (c) *Budget.* The board shall submit annually, to the board of finance and taxation, a detailed estimate of the amount of money required for the following fiscal year, specifying the purpose for which each item is required.

(Code 1970, § 2-248)

Sec. 2-155. Board to record data on welfare recipients.

The board shall keep a record showing the age, sex, nationality, and probable cause of destitution of each person whom it assists, the time when public assistance was first given, the amount of assistance given to each person, the birthplace of each person, the number of applicants for assistance in each month, and the monthly expenditure for all assistance. This record shall be open to public inspection at all reasonable times.

(Code 1970, § 2-249)

Sec. 2-156. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-156. Former § 2-156 pertained to the payment of bills and derived from the Code of 1970.

Sec. 2-157. Director to coordinate his activities with charitable institutions.

Whenever possible, the director of public welfare shall work with and accept assistance from charitable organizations and churches, so that by cooperating and coordinating their efforts, an intelligent relief program can be made available for the poor.

(Code 1970, § 2-251)

DIVISION 3A. DEPARTMENT OF SOCIAL SERVICES*

***Editor's note:** An ordinance adopted on July 2, 2001, designated the following provisions for use as Div. 3. For clarity, and since Art. III already contained a Div. 3, and at the editor's discretion, these provisions have been redesignated and included as Div. 3A.

Sec. 2-158. Powers and duties of the commission of social services.

The commission shall oversee departmental policies as they pertain to general assistance, evictions, public sale of abandoned property derived from evictions, summer food programs, relocation projects, community service programs and workfare.

(Ord. of 7-01)

Sec. 2-159. Department.

There shall be a department of social services.

(Ord. of 7-01)

Sec. 2-160. Department head.

The head of the department shall be the director of social services. The director shall be responsible for the efficiency, discipline and good conduct of the department.

(Ord. of 7-01)

Sec. 2-161. Duties of the department.

The department shall be responsible for general assistance, evictions, public sale of abandoned property derived from evictions, summer food programs, relocation projects, community service programs and workfare.

(Ord. of 7-01)

Secs. 2-162--2-165. Reserved.

DIVISION 4. BOARD OF PUBLIC WORKS*

***Charter references:** Board of public works, §§ 2501-2504.

Cross references: Bonding committee, § 2-296 et seq.; school building committee, § 2-306 et seq.; parks and recreation, Ch. 17; planning, Ch. 19; streets, sidewalks and public places, Ch. 21; utilities, Ch. 23.

Sec. 2-166. Board of public works.

There shall be a board of public works consisting of five (5) electors of the city, who shall be appointed as outlined in Sec. 7-1b in the City Charter. No more than three (3) members shall be from the same political party. The board shall elect a chair to preside over meetings and public hearings by the board.

(Code 1970, § 2-252; Ord. of 7-01; No. 26897-1, 12-11-02)

Sec. 2-167. Meetings.

The board of public works shall meet at least four (4) times annually. Special meetings of the board shall be held upon the call of the chair upon receipt by him/her of a written request for a special meeting. The board shall meet no later than seven (7) days after the request for a special meeting is received.

(Code 1970, § 2-253; No. 26824-1, 2-27-02)

Sec. 2-168. Record of taxes due the city.

The director of public works or his/her representative must determine the amounts due the city on all warrants for the collection of assessments on account of public improvements of all kinds and report the same to the council.

(Code 1970, § 2-254; No. 26824-1, 2-27-02)

Sec. 2-169. Reserved.

Editor's note: Item No. 26824-1, an ordinance adopted on Feb. 27, 2002, deleted § 2-169. Former § 2-169 pertained to the appointment of director and derived from the Code of 1970.

Sec. 2-170. Estimate of assessment.

An estimate of the probable amount of assessments to be collected shall accompany all recommendations for the construction of sewers made by the director of public works to the council.

(Code 1970, § 2-255; No. 26824-1, 2-27-02)

Sec. 2-171. Reserved.

Editor's note: Item No. 26824-1, an ordinance adopted on Feb. 27, 2002, deleted § 2-171.

Former § 2-171 pertained to the record of actions and reports and derived from the Code of 1970.

Sec. 2-172. Report to council on completion of sewer construction.

Upon the completion of any sewer ordered by the council, the director of public works shall report this fact to the council, and the city engineer shall furnish all maps and plans necessary for determining the sewer assessments, and shall deliver them to the board of compensation and assessment, together with any other pertinent engineering information.

(Code 1970, § 2-257; No. 26824-1, 2-27-02)

Sec. 2-173. Duties.

The board of public works shall:

- (a) Serve as the Water Pollution Control Authority (WPCA) and conduct public hearings and recommend a sewer use rate to the common council.
- (b) Conduct public hearings and recommend a subway rental rate to the common council.
- (c) Serve as flood and erosion control board per state statute and conduct appeals hearings as necessary.
- (d) Conduct public hearings for any street or right-of-way abandonment by the city and recommend appropriate action to the common council.

(Code 1970, § 2-258; Ord. of 9-70; No. 26824-1, 2-27-02)

State law references: As to accounts and accounting of municipal waterworks, G.S. § 7-240.

Sec. 2-174. Reserved.

Editor's note: Item No. 26824-1, an ordinance adopted on Feb. 27, 2002, deleted § 2-174. Former § 2-174 pertained to the supervision of the sewage treatment plant and derived from the Code of 1970.

Sec. 2-175. Reserved.

Editor's note: Item No. 26824-1, an ordinance adopted on Feb. 27, 2002, deleted § 2-175. Former § 2-175 pertained to the supervision of waste collection and disposal and derived from the Code of 1970.

Sec. 2-176. Notice of layout, designation or alteration of certain public facilities to interested parties required; hearing.

- (a) Whenever the council refers to the director of public works any matter pertaining to the layout, alteration, extension, enlarging or changing of any highway, public walk, public avenue or sewer or designation of any building line in the city, the director of public works shall cause notice of the proposed layout, alteration or designation to issue to all parties whose land is proposed to be taken therefor and advising them that they shall

have an opportunity to be heard on such matter.

(b) This notice shall:

- (1) Be in writing and signed by the director of public works;
- (2) Describe in general terms the proposed layout, alteration or designation;
- (3) Be served by mail, postage paid, at least five (5) days before the time fixed in such notice for hearing, addressed to the last known place of residence of each interested party.

(Code 1970, § 2-262; No. 26824-1, 2-27-02)

Secs. 2-177--2-182. Reserved.

Editor's note: Item No. 26824-1, an ordinance adopted on Feb. 27, 2002, deleted §§ 2-177--2-182. Former §§ 2-177--2-182 pertained to various duties and aspects of the board of public works and derived from the Code of 1970.

Secs. 2-183--2-190. Reserved.

DIVISION 5. COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES*

***Editor's note:** An ordinance of July 1996, amended Div. 5 of Art. III to read as herein set out. Prior to said amendment, Div. 5 pertained to similar subject matter and was derived from an ordinance of Sept. 1983, §§ I--XI.

Cross references: Condominium conversions restricted, § 13-251 et seq.

Sec. 2-191. Establishment and composition.

There shall be and is hereby created a commission on human rights and opportunities in the city, which shall be composed of seven (7) electors appointed by the mayor with the approval of the common council of which no more than four (4) shall be members of the same political party.

(Ord. of 7-96)

Sec. 2-192. Qualifications of members.

The commission created by this division shall be comprised of electors who are committed to the concepts of human rights, affirmative action, equal employment and fair housing. Efforts shall be made to assure that the membership of the commission includes members of "protected classes" who have historically been underrepresented in the labor force or subject to discrimination based on religion, national origin, alienage, color, race, sex or physical disability.

(Ord. of 7-96)

Sec. 2-193. Term of office, vacancies, removal of member.

- (a) All members of the commission shall be appointed by the mayor pursuant to section 5-2(e) of the Charter.
- (b) Vacancies shall be filled by the mayor pursuant to section 5-2(e) of the Charter for the unexpired term of any member who resigns, is removed for just cause, or who is no longer qualified to serve.
- (c) Members of the commission may be removed by the mayor for just cause at any time.

(Ord. of 7-96; Ord. of 7-01; No. 26897-1, 12-11-02)

Sec. 2-194. Compensation.

The members of the commission shall receive no compensation for their services but may be reimbursed for reasonable and necessary expenses.

(Ord. of 7-96)

Sec. 2-195. Budget.

The commission shall prepare and submit an annual budget estimate to cover the costs associated with its operations in the performance of its duties as established herein.

(Ord. of 7-96)

Sec. 2-196. Duties.

The duties of the commission shall include the following:

- (1) Prepare an annual report to the mayor and the common council on the "state of the city" with regard to human rights and opportunities, affirmative action, equal employment opportunities and fair housing;
- (2) Establish goals and programs designed to assure compliance by the city in the area of human rights and opportunities, affirmative action, equal employment opportunities, fair housing and to effect the removal of barriers to the realization of the full human potential of all residents of the city;
- (3) Monitor and report to the mayor on compliance by the city in all aspects of the law related to human rights and opportunities;
- (4) Oversee all programs in the city aimed at elimination of discrimination and poverty;
- (5) Oversee the performance of all persons employed by the commission;
- (6) Advise and assist the mayor in the development of an administrative/operational plan to implement the performance of the duties of the commission;
- (7) Advise and assist the civil service commission in the establishment and implementation of an outreach and recruiting program designed to bring qualified minority individuals into the civil service system of the city;

- (8) Monitor and report to the civil service commission on compliance by the civil service office and the personnel director with the mandates of federal, state and local law, rules, regulations and programs relating to human rights, affirmative action and equal employment opportunity;
- (9) Process complaints relating to human rights issues and discrimination matters and make referrals to appropriate enforcement agencies;
- (10) Interact with all monitoring and enforcement agencies of the federal and state governments with regard to human rights, affirmative action, equal employment and fair housing including preparation of annual statistical analyses of the city's work force and development of and response to any compliance audits and review;
- (11) Assist in the production and analyses of census, population and work force data so as to assist in the identification of significant minority groups within the city;
- (12) Establish goals and programs designed to assure the development and implementation of fair housing and affirmative housing policies in the city.

(Ord. of 7-96)

Sec. 2-197. Powers.

The commission shall have the following powers:

- (1) With the approval of the mayor, to utilize the resources of any department of the city in carrying out its duties as herein set forth;
- (2) With the approval of the common council, to make application to federal, state or private funding sources to obtain funds for carrying out its duties as herein set forth.

(Ord. of 7-96; No. 26864-1, 3-13-02)

Sec. 2-198. Fair housing policy.

It is the policy of the City of New Britain that no person shall discriminate with respect to housing in the City of New Britain in violation of any federal, state or local law.

(No. 26864-1, 3-13-02)

Sec. 2-199. Discrimination prohibited.

It shall be unlawful:

- (a) For any person to refuse to sell, rent, lease or otherwise make unavailable or deny housing to any person because of race, religion, color, national origin, ancestry, gender, marital status, age, lawful source of income, sexual orientation, familial status or mental or physical disability.
- (b) For any person to discriminate against any person in the terms, conditions or privileges of sale, rental or leasing of housing accommodations or in the provisions of services or facilities in connection therewith because of race,

religion, color, national origin, ancestry, gender, marital status, age, lawful source of income, sexual orientation, familial status or mental or physical disability.

- (c) For any person, bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making or real estate loans to deny a loan to a person applying therefor for the purpose of purchasing, constructing, improving or repairing housing or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan because of race, religion, color, national origin, ancestry, gender, marital status, age, lawful source of income, sexual orientation, familial status or mental or physical disability.

(No. 26864-1, 3-13-02)

Sec. 2-200. Exemptions.

The provisions of this article shall not apply to:

- (a) The sale or rental of a single-family house by a private individual owner who does not own more than three (3) such single-family houses at any time if the house is sold without the use of a broker and without discriminatory advertising;
- (b) The rental of a housing accommodation in a building which contains housing accommodation for not more than two (2) families living independently of each other, if the owner or members of his family reside in one of such accommodations;
- (c) The sale or rental of dwellings owned or operated by a religious organization, for other than a commercial purpose, to persons of the same religion unless membership in such religion is restricted on account of race, color or national origin;
- (d) A private club not open to the public and providing lodging which it owns or operates for other than commercial purposes, from limiting rental or occupancy to its members;
- (e) The rental of a room in a rooming house, if such rental is by the occupant of the housing accommodation, or by the owner of the housing accommodation and he or members of his immediate family reside in such accommodation;
- (f) The rental of sleeping accommodations provided by associations and organizations which rent all such sleeping accommodations on a temporary or permanent basis for the exclusive use of persons of the same sex;
- (g) The rental of a housing accommodation in a building designed specifically for occupancy by handicapped persons or the elderly.

(No. 26864-1, 3-13-02)

Sec. 2-201. Administration.

The commission on human rights and opportunities of the City of New Britain shall consider any and all complaints of violations of this article and shall refer the same to the State of Connecticut Commission of Human Rights and Opportunities and to the United States

Department of Housing and Urban Development.

(No. 26864-1, 3-13-02)

Secs. 2-202--2-210. Reserved.

DIVISION 6. INSURANCE COMMISSION*

***Charter references:** Insurance commission, § 171.

Cross references: Bonding committee, § 2-296 et seq.; city treasurer to be sole custodian of insurance contracts affecting city, § 2-336; pensions, § 2-416 et seq.; municipal finances, § 2-476 et seq.

Sec. 2-211. To provide and procure insurance and bonds.

The purchasing agent shall provide and procure for the several departments, boards, committees, officials and employees of the city all contracts of insurance and bonds as directed by the common council that in its opinion may be required to adequately protect the city against loss and damage, and shall procure all other insurance for which the city pays part or all of the cost.

(Code 1970, § 2-300; Ord. of 7-01)

Sec. 2-212. To establish, approve, and accept insurance and bonds.

The common council shall prescribe the amount, level of coverage and type of insured and self-funded risk exposure of all insurance contracts and bonds required by the Charter, ordinances or several departments of the city and only the common council shall have the authority to establish, approve and accept such contracts or bonds.

(Code 1970, § 2-301; Ord. of 7-01)

Sec. 2-213. To establish standards and forms and sufficiency of insurance and bonds.

The common council shall establish the standards for all contracts of insurance and bonds and shall examine them as to their sufficiency in form and content at the request of the purchasing agent for city departments, boards, commissions, officials or employees and after consultation with the proper persons or city departments concerned. The common council shall make determinations concerning all procedural aspects of insurance policies and bonds and shall require appropriate renewal or cancellation provisions where necessary.

(Code 1970, § 2-302; Ord. of 7-01)

Sec. 2-214. Decisions final.

All decisions relating to contracts of insurance or bonds required by the city shall be

made by the common council and its decisions shall be final.

(Code 1970, § 2-305; Ord. of 7-01)

Sec. 2-215. To file and catalog insurance and bonds.

All contracts of insurance and bonds shall be properly filed and catalogued by the purchasing agent for ready reference.

(Code 1970, § 2-306; Ord. of 7-01)

Sec. 2-216. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-216. Former § 2-216 pertained to recommendations for rate reductions and derived from the Code of 1970.

Sec. 2-217. Notification required for changes in property status.

- (a) *Change in status.* The city departments, boards, commissions, committees, officials or employees affected by this article shall notify the purchasing agent in writing of any change in the status of property under their management or control, including all purchases or sales of property.
- (b) *Report of losses or accidents.* A report shall be made by the purchasing agent on behalf of city agencies mentioned in paragraph (a) of this section to the common council after any loss or accident affecting city property at the first regular meeting of the common council after such loss.

(Code 1970, § 2-309; Ord. of 7-01)

Sec. 2-218. Procedure for payment of insurance and bond premiums.

All bills for premiums for contracts of insurance and bonds shall be forwarded by the insurer directly to the purchasing agent for approval, and upon approval may be paid. Orders drawn in payment of premiums shall be charged against the account in each respective fund of the city as appropriated by the common council.

(Code 1970, § 2-310; Ord. of 7-01)

Sec. 2-219. Official list of insurance and agents.

The common council may assign an insurer or agent for the purpose of soliciting proposals for insured risk coverages on the basis of receiving the lowest possible premium.

(Code 1970, § 2-315; Ord. of 7-01)

Secs. 2-220--2-230. Reserved.

DIVISION 7. COMMISSION ON AGING*

***Editor's note:** An ordinance of Sept. 1989 amended Art. III, Div. 7, to read as herein set out. Prior to amendment, Div. 7 contained §§ 2-231--2-233 which pertained to similar provisions and derived from Code 1970, §§ 2-316--2-318.

Sec. 2-231. Definitions.

As used in this division:

Commission shall mean the commission on aging.

Elderly person shall mean one who has attained the age of sixty (60) years, or one who has attained the age of fifty-five (55) years and been declared "disabled" under the Social Security Act. (Nonresidents who meet these eligibility requirements are entitled to full use of all services and programs of the New Britain Senior Center upon payment of a twenty-dollar-annual-user fee.)

(Ord. of 9-89; Ord. of 10-91; Ord. of 2-92; No. 26939-1, 5-8-02)

Sec. 2-232. Establishment; composition.

There shall be a commission on aging. The commission shall be composed of nine (9) members of whom not more than six (6) shall be members of the same political party and at least one of whom shall be an elderly person.

(Ord of 9-89; Ord of 10-91; No. 26939-1, 5-8-02)

Sec. 2-233. Reserved.

Editor's note: Ord. No. 26897-1, adopted Dec. 11, 2002, repealed § 2-233, which pertained to term and membership. For complete derivation see the Code Comparative Table at the end of this volume.

Sec. 2-234. Compensation.

The members of the commission shall receive no compensation for their services.

(Ord. of 9-89)

Sec. 2-235. Meetings.

The commission shall hold regular meetings once a month except in the months of July and August. The chairperson may call special meetings as may be required.

(Ord. of 9-89)

Sec. 2-236. Powers and duties.

The commission shall have the following powers and duties:

- (1) Shall advise and consult with the department head pertaining to the duties and

conduct of the programs, services and facilities under the responsibility of the department. In general, the commission shall be responsible for policy making and evaluation with the advice of the department head. This shall include, but not be limited to, the adoption of such rules and regulations not inconsistent with the general statutes;

- (2) Shall assist the department in evaluation of the varying and changing social, emotional, financial and physical needs of senior citizens residing in the community and assist with developing interventions and initiatives designed to correct deficits;
- (3) Shall serve as a voice of advocacy on a local and state level for those elderly persons who have demonstrated needs for supportive programs and services in order to maintain their independency, self-esteem and dignity in the community; and
- (4) Shall assist the department in special projects or undertakings that may be required.

(Ord. of 9-89; No. 26939-1, 5-8-02)

Sec. 2-237. Department of elderly resources.

There shall be a department of elderly resources.

(Ord. of 9-89; No. 26939-1, 5-8-02)

Sec. 2-238. Duties of department of elderly resources.

The department shall be responsible for determining:

- (1) The conditions, needs and problems of the elderly persons in the community in relation to transportation, housing, economic conditions, health, employment, socialization, nutrition and other matters.
- (2) Shall be responsible for coordinating elderly services provided in the community, both by public and private agencies, and shall act as an advocacy and coordinating agency to develop and implement new and expanding services for the elderly;
- (3) Shall make recommendations to the mayor who shall transmit those recommendations where necessary and appropriate to the common council. These recommendations shall include, but not be limited to, recommendations regarding the development and integration of public and private agencies in cooperation with state, federal and other agencies;
- (4) Shall monitor and ensure compliance, enforcement and implementation of existing federal and state statutes pertaining to the elderly; and
- (5) Shall manage and improve, subject to approval of the common council, the facilities used for programs and services provided under the auspices of the department.

(Ord. of 9-89; No. 26939-1, 5-8-02)

Sec. 2-239. Director of department of elderly resources.

The head of the department shall be the director. The director shall be responsible for the efficiency, discipline and good conduct of the department.

(No. 26939-1, 5-8-02)

Sec. 2-240. Reserved.

DIVISION 8. VETERANS' COMMISSION*

***Charter references:** Veterans' commission, § 151.

Sec. 2-241. Duties.

The veterans' commission shall carry on the functions of the former municipal home service bureau and the veterans' service center. Its duties shall be to maintain a complete list of residents who participated in conflicts of the United States, to direct the observance of all legal holidays pertaining to veterans, to assist veterans in connection with all matters pertaining to the exercise of the rights conferred upon them by law, and to aid in the rehabilitation and readjustment of veterans.

(Code 1970, § 2-323)

Sec. 2-242. Honored and/or wounded veterans and Gold Star Parents to be admitted free of charge Veterans Memorial Stadium at Willow Brook Park.

- (a) Any veteran or a Gold Star Parent who is a resident of the city and who has received any of the military commendations for distinguished service in the armed forces of the United States hereinafter enumerated, or a Gold Star Parent, shall be admitted free of charge into Veterans Memorial Stadium, Willow Brook Park, New Britain, Connecticut, for any city-sponsored event of any nature conducted at the stadium, provided that such veteran shall possess and show at the gate a card issued by the veterans commission identifying him to be decorated veteran or a Gold Star Parent, together with some other form of identification, which contains a photograph, such as but not limited to a driver's license. A city-sponsored event shall include an event sponsored by the city or one of its agencies or departments, including the school department, but shall not include events sponsored by a private contractor.
- (b) Awards entitling veteran to free admission:
 - (1) Congressional Medal of Honor.
 - (2) Distinguished Service Cross.
 - (3) Silver Star.
 - (4) Distinguished Flying Cross with "V" Device.

- (5) Bronze Star with "V" Device.
 - (6) Air Medal with "V" Device.
 - (7) Army Commendation Medal with "V" Device.
 - (8) Navy Cross.
 - (9) Legion of Merit with "V" Device.
 - (10) Air Force Cross with "V" Device.
 - (11) Distinguished Service Medal with "V" Device.
 - (12) Airman's Medal with "V" Device.
 - (13) Marine Corps Medal with "V" Device.
 - (14) Purple Heart.
- (c) The board of parks commissioners shall require in each contract or lease agreement with a city agency or department for Veterans Memorial Stadium that a provision be included in each contract or lease requiring that the contractor or lessee agreed that all decorated veterans and Gold Star Parents holding a validated card issued by the veterans commission and who establish their identity with some other photo identification will be admitted to any event held at the stadium free of charge.
- (d) The veterans commission shall issue cards to veterans and Gold Star Parents after verifying that the applicant has in fact received one of the military awards enumerated in subsection (b).

(Ord. of 3-84; Ord. of 10-84)

Cross references: Park use regulations, § 17-36 et seq.

Sec. 2-243. Establishment; composition.

There shall be a veterans commission. The commission shall consist of nine (9) members, all of whom shall be honorably discharged veterans from the armed forces of the United States.

(Ord. of 7-01)

Sec. 2-244. Reserved.

Editor's note: An ordinance adopted on July 2, 2001, set out provisions intended for use as § 2-243. For purposes of clarity, and as an earlier ordinance designated provisions to be set out as § 2-243, and at the editor's discretion, these provisions have been redesignated and included as § 2-244. Ord. No. 26897-1, adopted Dec. 11, 2002, repealed § 2-244, which pertained to term and membership, and derived from Ord. of 7-01.

Secs. 2-245--2-250. Reserved.

DIVISION 9. COMMISSION ON PERSONS WITH DISABILITIES*

***Editor's note:** The name of the commission for the handicapped was changed by an ordinance of Oct. 1991.

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 2-251. Definitions.

As used in this division:

Commission shall mean the commission on person with disabilities.

Handicapped person shall mean one who has a physical or mental impairment which substantially limits one or more of such person's major life activities (such as employability); has a record of such impairment; or is regarded as having such an impairment.

(Code 1970, § 2-323.1; Ord. of 4-77; Ord. of 10-91)

Sec. 2-252. Establishment; composition.

- (a) There shall be a commission on persons with disabilities. The commission shall be composed of seven (7) members, appointed by the mayor of whom not more than four (4) shall be members of the same political party, and no less than four (4) of whom shall be handicapped persons. The mayor shall designate one (1) member of the commission as chairperson. The chairperson shall serve for one (1) year beginning January first and until the mayor designates a successor.

(Code 1970, § 2-323.1; Ord. of 4-77; Ord. of 10-91; Ord. of 7-01)

Sec. 2-253. Vacancies; removal of members.

- (a) *Vacancies.* The mayor shall appoint a citizen of his choice to fill the unexpired term of a vacating member.
- (b) *Removal of members.* Any member of the commission may be removed by the mayor for cause at any time.

(Code 1970, § 2-323.1; Ord. of 4-77; Ord. of 10-91; No. 26897-1, 12-11-02)

Sec. 2-254. Compensation.

The members of the commission on persons with disabilities shall receive no compensation for their services.

(Code 1970, § 2-323.1; Ord. of 4-77; Ord. of 10-91)

Sec. 2-255. Powers and duties.

The commission on persons with disabilities shall have the following powers and duties:

- (1) To initiate and/or conduct continuous studies and surveys to determine the conditions, needs and problems of the handicapped persons in the community in relation to architectural barriers, transportation, public education and publicity, housing, employment, recreation, health and other matters.
- (2) To serve as a clearing house for information and to advertise, prepare, print and distribute publications designed to promote the official purposes of the commission.
- (3) To monitor and ensure compliance, enforcement and implementation of existing federal and state statutes intended to aid the handicapped.
- (4) To act as an advocacy and coordinating agency to bring about new and expanded programs and services for the handicapped.
- (5) To make an annual report on or about April first of each year to the mayor and the common council of the commission's activities, together with its recommendations for administrative and legislative action by the city, in addition to any other period reports and recommendations the commission may choose to make.

(Ord. of 4-77; Ord. of 10-91)

Sec. 2-256. Fees for transportation services.

The Commission on Persons with Disabilities and Community Services is authorized to charge a fee of two dollars and fifty cents (\$2.50) each way to each person for transportation services provided under the Handi-Van Program which transportation is to points outside of the City of New Britain. Said fee may be modified by resolution of the commission with the concurrence by resolution of the common council.

(Ord. of 12-91)

Secs. 2-257--2-265. Reserved.

DIVISION 10. OFFICE OF COMMUNITY AND NEIGHBORHOOD DEVELOPMENT

Sec. 2-266. Declaration of policy.

It is found and declared that the improvement of the conditions and quality of urban life is one of the most serious responsibilities facing this city. The persistence of blight; the critical need for additional and improved housing and community facilities and services; the persistence of poverty, unemployment, underemployment, educational deprivation, crime and delinquency, and physical and mental illness; the realization that the future welfare of the city and the well-being of its citizens depends on addressing critical social, economic and environmental problems require comprehensive intervention and direction. It is further found and declared that while various city agencies, boards and commissions have endeavored to develop and implement programs to improve the quality of life, the accomplishment of this goal requires effective concentration and coordination of efforts which can best be achieved by the creation of an office of community and neighborhood development which shall report directly to the mayor in his/her capacity as chief executive officer.

(Ord. of 12-90)

Sec. 2-267. Establishment and composition.

There shall be created a commission on community and neighborhood development in the city, which shall be composed of fifteen (15) members appointed by the mayor and approved by the common council. The members shall serve without compensation but may be reimbursed for necessary expenses.

(Ord. of 12-90; No. 26897-1, 12-11-02)

Sec. 2-268. Designation.

The office of community and neighborhood development is hereby designated as:

- (1) The redevelopment agency of the city, pursuant to section 8-126 of the Connecticut General Statutes;
- (2) The economic development agency of the city, pursuant to section 7-136 of the Connecticut General Statutes;
- (3) The community development agency of the city, pursuant to Part VI of Chapter 30 of the Connecticut General Statutes;
- (4) The housing site development agency of the city, pursuant to section 8-216b of the Connecticut General Statutes;
- (5) The human resource development agency of the city, pursuant to section 8-221 of the Connecticut General Statutes; and
- (6) The municipal development agency of the city, pursuant to section 8-188 of the Connecticut General Statutes.

(Ord. of 12-90)

Sec. 2-269. Power, duties and authority.

The office of community and neighborhood development shall have all power, duties and authority of redevelopment agencies, economic development agencies, community development agencies, housing site development agencies, economic development agencies, community development agencies, housing site development agencies and municipal development agencies as are set forth in the General Statutes of the State of Connecticut. In addition, the office of community neighborhood development shall have all power, duties and authority which may be delegated or assigned to it by the mayor relative to community, economic and neighborhood service functions. The office of community and neighborhood development shall be attached to the office of the mayor who shall have administrative supervision and control of all activities of such office of community and neighborhood development.

(Ord. of 12-90)

Sec. 2-270. Incorporation of executive order.

The provisions of Executive Order 90-1, promulgated on October 1, 1990, by Donald J. DeFronzo, Mayor are hereby incorporated into this division by reference as if fully set forth herein.

(Ord. of 12-90)

Secs. 2-271--2-280. Reserved.

DIVISION 11. AWARDS COMMITTEE

Sec. 2-281. Composition.

There shall be an awards committee consisting of one representative of industry, one representative of labor, one clergyman, one businessman, and one member-at-large, each of whom shall be an elector in the city at the time of his appointment and upon ceasing to be an elector his membership shall be deemed to have expired.

(Code 1970, § 2-324)

Sec. 2-282. Appointment of officers.

Election of such officers as such committee shall deem necessary shall be made by majority vote of the entire membership.

(Code 1970, § 2-325; No. 26897-1, 12-11-02)

Sec. 2-283. Removal of members.

The mayor shall have sole authority to remove any member of the awards committee for cause, of which the mayor shall be the sole judge, and his notice of removal shall state the cause.

(Code 1970, § 2-326)

Sec. 2-284. Duties.

The awards committee shall judge the performance of employees of the city on the basis of heroism, meritorious service, and commendatory acts, and the committee shall have authority to make appropriate awards whenever in the judgment of the committee recognition of this nature is merited.

(Code 1970, § 2-327)

Sec. 2-285. Majority rule.

All actions of the awards committee shall be accomplished by majority vote of the entire membership.

(Code 1970, § 2-328)

Sec. 2-286. Monetary awards to require council approval.

If an award, voted by the awards committee entails the expenditure of public funds of the city, such expenditure must receive prior approval of the council.

(Code 1970, § 2-329)

Sec. 2-287. Office costs.

The expenditures by the awards committee for printing and postage shall be limited to twenty-five dollars (\$25.00) per fiscal year and shall not be made without prior approval of the director of finance.

(Code 1970, § 2-330)

Secs. 2-288--2-295. Reserved.

DIVISION 12. RESERVED*

***Editor's note:** Ord. No. 27929-1, § adopted Apr. 28, 2004, repealed division 12, §§ 2-296--2-300, which pertained to bonding committee. For complete derivation, see the Code Comparative Table at the end of this volume.

Secs. 2-296--2-305. Reserved.

DIVISION 13. SCHOOL BUILDING COMMITTEE

Sec. 2-306. Creation; compensation; composition; term; vacancies.

- (a) *Membership.* There shall be a special school building committee with a membership composed of seven (7) electors of the city. They shall be appointed by the common council and at least one (1) member shall be an alderperson. They shall serve without compensation.
- (b) *Term.* At the time of appointment, the members shall be designated by the common council to serve on one (1) or more school projects, for the duration of the project(s).
- (c) *Vacancies.* Vacancies occurring in the membership of the school building committee shall be filled in the same manner described in subsection (a) above for the unexpired portion of the term.
- (d) *Ex-officio member.* The superintendent of schools or his/her designee shall be an ex-officio member of the school building committee without vote.
- (e) *Removal.* A member of the committee may be removed for cause or by a two-thirds (2/3) vote of the entire membership of the common council.

(Code 1970, § 2-331; Ord. of 8-94, § 1; Ord. of 2-99; Ord. No. 27849-1, 7-22-04)

Sec. 2-307. Reports on work progress required.

The school building committee shall report at least once a month on the progress of its work to the board of education, the board of finance and taxation, the mayor and the council.

(Code 1970, § 2-332)

Sec. 2-308. Development of preliminary plans and cost estimates.

The school building committee shall develop and forward to the mayor, the common council and the board of education preliminary plans and cost estimates for each school to be constructed, substantially altered, or renovated in accordance with the education requirements and specifications submitted to the committee by the board. These plans and estimates shall include such matters as site improvements, and all other necessary appurtenances, as well as the equipment and furnishings for the schools.

(Code 1970, § 2-333; Ord. of 8-94, § 2)

Sec. 2-309. Plans and cost estimates as basis for school construction appropriations.

Upon approval by the board of education, the preliminary plans and cost estimates developed by a school building committee, in response to education specifications provided by the board of education, shall be transmitted to the mayor as the basis for his or her recommendations to the council on the matters of appropriations and the means of financing future schools.

(Code 1970, § 2-334; Ord. of 8-94, § 3; Ord. of 7-01)

Sec. 2-310. Board of education and common council to approve plans.

The board of education and common council shall, approve preliminary and final plans. The board of education shall also approve specifications.

(Code 1970, § 2-335; Ord. of 8-94, § 4)

Sec. 2-311. To advertise for bids; letting of contracts.

Upon final approval by the board of education and common council of any preliminary and final plans and by the board of education of the specifications, the school building committee shall advertise for bids for the construction of such schools and shall select and enter into contracts in the city's name with the lowest responsible and qualified bidder.

(Code 1970, § 2-336; Ord. of 8-94, § 5)

Sec. 2-312. Planning and supervision of school construction.

The school building committee, in accordance with the education requirements and specifications submitted to it by the board of education and as described by the plans approved

by the common council, shall:

- (1) Plan and supervise the construction of all proposed schools and school additions generally, and
- (2) Review existing school construction plans and revise them when necessary and practicable, provided that they are within the scope of the project.

(Code 1970, § 2-337; Ord. of 8-94, § 6)

Sec. 2-313. Employment of architects, engineers and construction representatives.

Subject to the approval of the board of education and the common council, the school building committee shall engage, select, and enter into or continue all necessary contracts with architects, landscape architects, or engineers, and within the limits of the appropriations made by the council, this committee shall engage and fix the salary of one or more construction representatives who shall be responsible to the school building committee.

(Code 1970, § 2-338; Ord. of 8-94, § 7)

Sec. 2-314. Clerical assistance; reimbursement.

- (a) *Assignment of employees to committee.* At the direction of the common council, the board of education shall assign employees of the school department to advise and assist the school building committee upon request, and shall provide the school building committee with such clerical assistance as the committee may deem necessary.
- (b) *Costs.* The school department shall be reimbursed for the cost of the clerical services supplied from the appropriate school construction account. This reimbursement shall be considered as general fund revenue credited to the board of education.

(Code 1970, § 2-339; Ord. of 8-94, § 8)

Sec. 2-315. Purchase of furniture and equipment for schools.

Furniture and equipment for each school construction project shall be purchased by the school building committee in accordance with the specific recommendations of the board of education as provided for in the approved plans and specifications and on approval of the common council.

(Code 1970, § 2-340; Ord. of 8-94, § 9)

DIVISION 14. CULTURAL AFFAIRS COMMISSION

Sec. 2-316. Creation; membership; term of office.

- (a) *Membership.* There is hereby created a cultural affairs commission, which shall be composed of seven (7) electors from the City of New Britain. The membership should reflect a broad and diverse range of cultural interests. The mayor shall make all appointments to the commission.

- (b) *Appointments.* All appointments shall conform to the minority representation requirements of the Connecticut General Statutes.
 - (c) *Chairperson.* The commission shall elect one of its members to serve as chairperson.
- (Ord. of 6-90; Ord. of 3-93; No. 26897-1, 12-11-02)

Sec. 2-317. Powers and duties.

- (a) The commission shall act in an advisory capacity to the mayor, common council and the board of finance and taxation and shall make recommendations to the mayor, the council and board regarding appropriations to support cultural programs.
- (b) The commission shall collect data on various cultural organizations in the city; shall review and make recommendations with respect to all requests for city funds; based on an assessment of the needs of such organizations requesting funds which assessment shall include a review of all funding sources of such organization, the specific purpose(s) for which the funds will be utilized, the benefits which will be derived by residents of the city and alternative funding sources available to the organization requesting city funds. All arts and cultural groups requesting appropriations from the city shall be subject to this review process. Organizations requesting financial assistance in connection with events held once a year and which are of an ethnic nature shall not be subject to such review procedure.

(Ord. of 6-90; Ord. of 7-01)

DIVISION 15. NEIGHBORHOOD REVITALIZATION ZONE COMMITTEES

Sec. 2-318. Creation; composition.

Neighborhood groups are hereby authorized to form neighborhood revitalization zone committees. The committee shall consist of no less than ten (10) and no more than forty (40) members. The membership of such committee shall reflect the composition of the neighborhood and include, but not be limited to, tenants and property owners, community organizations and representatives of businesses located in the neighborhood or which own property in the neighborhood. A majority of the members shall be residents of the neighborhood.

(Ord. of 12-96)

Sec. 2-319. Powers; purpose.

The neighborhood revitalization zone committees shall implement and oversee the strategic plan as previously developed by a neighborhood revitalization zone planning committee. The neighborhood revitalization zone committees shall serve in an advisory capacity to the city in an effort to revitalize deteriorated neighborhoods. The city's role in the neighborhood revitalization zone process may include, but not limited to, submission of waivers to state officials and approval of waivers of local codes and regulations, the taking of property and appointment of rent receivership, the modification of municipal procedures to assist neighborhood revitalization zones, and the establishment of multi-agency collaborative delivery teams.

(Ord. of 12-96)

Sec. 2-320. Reporting.

The neighborhood revitalization zone committees shall submit reports on implementation of the strategic plan to the mayor and common council at intervals of six (6) months in the first year after adoption by the common council and annually thereafter.

(Ord. of 12-96)

Sec. 2-321. Amendments to strategic plans.

Any and all amendments of strategic plans of neighborhood revitalization zone committees after initial approval by the common council shall be further approved by the common council and filed with the office of the commission on community and neighborhood development.

(Ord. of 12-96)

Sec. 2-322. Broad Street Neighborhood Revitalization Zone.

The Broad Street Neighborhood Revitalization Zone Committee is hereby recognized and its strategic plan approved as filed in the office of the commission on community and neighborhood development November 13, 1996. Its boundaries as described in the strategic plan are hereby approved.

(Ord. of 12-96)

Sec. 2-323. Arch Street Neighborhood Revitalization Zone.

The Arch Street Neighborhood Revitalization Zone Committee is hereby recognized and its strategic plan approved as filed in the office of municipal development. Its boundaries as described in the strategic plan are hereby approved.

(Ord. of 11-15-99)

Sec. 2-324. North-Oak Streets Neighborhood Revitalization Zone.

The North-Oak Neighborhood Revitalization Zone Planning Committee is hereby recognized and its strategic plan approved as filed in the office of municipal development. Its boundaries as described in the strategic plan are hereby approved.

(Ord. of 4-01)

Secs. 2-325--2-327. Reserved.

DIVISION 16. BOARD OF EDUCATION

Sec. 2-328. Composition.

Pursuant to section 3-2(b)(7) of the Charter, five (5) members of the board of education shall be elected every two (2) years beginning November, 2001, and shall serve the same four (4) year term of office.

(Ord. of 7-01)

Secs. 2-329, 2-330. Reserved.

ARTICLE IV. OFFICERS*

***Charter references:** Public officials, § 2301 et seq.

Cross references: Director of finance, § 2-501 et seq.; duties of police officers generally, § 20-31 et seq.; collector of taxes, 22-26 et seq.

DIVISION 1. GENERALLY

Sec. 2-331. Communications of corporation counsel.

The corporation counsel shall index and record all opinions construing statutes or ordinance or charter provisions of the city.

(Code 1970, § 2-179)

Sec. 2-332. Registrar of voters--Payment of election workers; procedure.

The registrar of voters shall prepare and submit to the director of finance a payroll listing the names, addresses, and amounts due, of all persons employed by the city solely for the purpose of assisting in the conduct of elections. The director of finance thereupon shall prepare individual checks and forward them by person or through the United States mail in accordance with the payroll listings. Payment of election workers in any other manner is prohibited.

(Code 1970, § 2-182)

Sec. 2-333. Same--Designation of party affiliation of voters.

Pursuant to section 9-54 of the General Statutes, the registrars of voters shall designate the party affiliations, if any, of each elector on the registry list.

(Code 1970, § 2-182.3; Ord. of 4-73)

Sec. 2-334. Inspection of city buildings.

The building inspector shall inspect biennially all buildings owned by the city, except such buildings as are used or controlled by the consolidated school district, and shall report his/her findings to the council and to the department or board having control of buildings, prioritizing and setting forth the necessary repairs, if any, the amount of insurance carried on

such buildings, and his/her recommendations.

(Code 1970, § 2-183; Res. No. 28887-2, 1-30-06)

Cross references: Buildings and building regulations, Ch. 7.

Sec. 2-335. All city representatives to display insignia.

No representative or agent of any public utility or city department shall enter upon the premises of any private dwelling upon any official business unless he has displayed prominently upon his person a badge or other insignia displaying his picture, name, and official capacity. Such badge or insignia shall be easily seen and recognized by a person with normal vision at a distance of not less than six (6) feet, or it shall be permissible to use such other identification as may be acceptable to the chief of police.

(Code 1970, § 2-184)

Sec. 2-336. Custody of insurance and bonds.

The city treasurer shall be sole custodian of all contracts of insurance and bonds affecting the city.

(Code 1970, § 2-307)

Cross references: Insurance commission, § 2-211 et seq.; bonding committee, § 2-296 et seq.

Sec. 2-337. Required reports re federal funds and grants applications.

It shall be the duty of the mayor and/or any city official involved in the application for any federal funds or grants to first consult with the common council as to the purposes for which such funds or grants are applied for and the use for which they are planned.

(Code 1970, § 2-42; Ord. of 10-74)

Sec. 2-338. Compensation of elected and appointed officials.

The compensation of elected and appointed city officials shall be established and increased periodically as follows:

- (1) In January of each odd-numbered year, the common council shall appoint a compensation committee consisting of three (3) members, two (2) of which shall be nominated by the majority leader of the common council, and one of which shall be nominated by the minority leader of the common council. The nominations shall be approved by a majority of the common council present and voting. In the absence of a minority party on the common council, the common council shall, by majority vote, nominate and approve the appointment of the committee member which was designated as that of the minority leader;
- (2) The compensation committee shall undertake a study in order to make a recommendation with respect to a salary adjustment for elected and appointed officials whose salaries are to be established by ordinance, including, but not limited to the mayor, the town clerk, the tax collector, the treasurer, the registrars

of voters, the corporation counsel, the clerk of committees and the deputy treasurer. The compensation committee shall take into consideration the salaries of comparable officials in other cities and towns and the adjustments in compensation granted to employees of the city. The committee may utilize, as necessary, appropriate city personnel to assist in its study committee shall report its recommendation to the full common council in a timely manner;

- (3) The common council, upon receipt of the report of the compensation committee, shall refer the report including any resolution proposing an adjustment to compensation to the committee on ordinance and salaries for a public hearing;
- (4) The compensation of elected or appointed officials shall not be adjusted unless modified by a resolution adopted by a majority vote of the common council following the process set forth in subsections (1), (2) and (3) of this section;
- (5) The effective date of any adjustments to compensation of elected or appointed officials under this section shall be as follows:
 - a. For those officials who are elected or appointed for two-year terms, on the Tuesday following the mayoral elections, in each odd-numbered year;
 - b. For the town clerk, on the first day of the commencement of the term of office and on the first day following the completion of two (2) years of the term of office;
 - c. For the registrars of voters, on the first day of the commencement of the term of office and on the first day following the completion of two (2) years of the term of office, provided however, if such adjustments in compensation are enacted subsequent to the first day following the completion of two (2) years of this term of office, such adjustments shall be retroactive to the first day following the completion of two (2) years of the term of office.

(Ord. of 5-85; Ord. of 12-88; Ord. of 2-90; Ord. of 4-90; Ord. of 4-95; Ord. of 9-01; Ord. No. 27825-1, 1-28-04)

Cross references: Committee on ordinance and salaries, § 2-114 et seq.

Secs. 2-339--2-345. Reserved.

DIVISION 2. MAYOR*

***Cross references:** Power and/or duty to: Offer a reward for information about and the arrest of anyone tampering with or altering city records, § 2-2; approve the use of city equipment for non-municipal business, § 2-5(b); call a special meeting of the common council, § 2-23; be an ex-officio member of the finance and supplies and printing committee, § 2-66; appoint members to the regional planning agency, § 2-133; appoint and remove members of the awards committee § 2-282; appoint members to the school building committee, 2-306; receive the resignations of city clerk, § 2-358; order the director of finance to examine and audit the accounts of any city department, § 2-477(b); sign notes of the city's obligations, § 2-489; appoint director of finance, § 2-501; approve the assignment or transfer of written contracts, § 2-534; authorize emergency purchases by the purchasing agent, § 2-606; approve the use of fire

equipment beyond the city limits, § 8-4; appoint members of flood and erosion control board, § 9-24; appoint members to the traffic committee, § 15-26; appoint members to the parking authority, § 15-87; appoint alternate members of city plan commission, § 19-17; appoint members of conservation commission, § 19-32; call out the special guard and special police, § 20-56; issue a warrant for the collection of taxes, § 22-4; abate taxes of poor and owners of low and moderate income housing, §§ 22-8, 22-9; approve investigators or deputies for the collector of taxes, § 22-27.

Sec. 2-346. Emergency power to stop traffic.

Whenever in the opinion of the mayor, an emergency arises calling for the cessation of the running of cars and other vehicles through any of the streets of the city, the mayor may issue an order to all parties concerned, over his hand as mayor and the city seal ordering the cessation of such traffic during such period as he shall deem the emergency requires, and upon such notice as he may deem reasonable. It shall be the duty of all corporations and persons to strictly conform to and obey such order. It shall be the duty of the chief of police, upon being notified of the issuance of such order, to strictly enforce it.

(Code 1970, § 2-44)

Cross references: Motor vehicles and traffic generally, Ch. 15.

Sec. 2-347. Mayor's power of discipline.

Whenever by charter, the mayor is granted the power to remove and discipline any officer or employee appointed by the mayor, the mayor or designee, subject to the provisions of any applicable collective bargaining agreement, shall give written notice to the officer or employee stating the date of the notice; the position or office held by the officer or employee; the cause for the removal or discipline of the officer or employee; and the effective date of the removal or discipline by either of the following alternative methods of notice:

- (1) By certified mail, postage prepaid, to the last known address of the officer or employee; or
- (2) By hand delivery to the officer or the employee with a written notice of receipt signed by the officer or employee at the time of delivery.

(Ord. of 7-01)

Sec. 2-348. Appeal by mayor.

Any mayor removed in accordance with section 5-9 of the Charter may appeal to the superior court within forty-five (45) days of the date of removal in accordance with the provisions of the Uniform Administrative Procedures Act as if fully incorporated herein.

(Ord. of 7-01)

Secs. 2-349--2-355. Reserved.

DIVISION 3. CLERK*

***Charter references:** Town clerk, §§ 2301, 2302.

State law references: Town clerks generally, G.S. §§ 7-17--7-35; removal, G.S. § 7-22.

Sec. 2-356. Election; term.

Pursuant to section 3-2 of the Charter, the town and city clerk of the city, shall at regular municipal election, be elected for a term of four (4) years. The term of office shall commence at noon on the Tuesday following the election. In accordance with the provisions of section 9-187(a) of the Connecticut General Statutes, the term of the incumbent town and city clerk shall expire at noon on the Tuesday following the next election.

(Code 1970, § 2-50(c); Ord. of 3-73; Ord. of 7-01)

Sec. 2-357. To preserve minutes of all boards and commissions in his records.

- (a) *Clerk to record minutes.* The town clerk shall be responsible for maintaining a record of the minutes of the following boards and commissions: Building commission, city plan commission, civil service commission, board of finance and taxation, board of fire commissioners, board of police commissioners, board of public works, board of water commissioners, and zoning board of appeals. If the records of such meetings are not received by the clerk within seven (7) days after the date on which such meetings were held, the clerk shall request the board or commission chairmen concerned to provide the minutes.
- (b) *Notice to mayor of failure to comply.* The clerk shall notify the mayor's office for action whenever a board or commission does not adhere to the above procedure.

(Code 1970, § 2-50(a), (b))

Sec. 2-358. Resignation of officers submitted to clerk.

- (a) *Resignation submitted to clerk.* Any officer of the city, appointed or elected, who wishes to resign his office, shall submit his resignation in writing to the clerk specifying the date on which the resignation is to be effective.
- (b) *Clerk's resignation.* If the clerk wishes to resign his office he shall submit his resignation to the mayor in the same manner as any other officer would submit his resignation to the clerk.

(Code 1970, § 2-52)

Sec. 2-359. Duty to furnish finance director with ordinances concerning financing.

The clerk shall furnish the director of finance with an attested copy of any new or

amended ordinance relating to the finances of the city within one week after the adoption and publication of such an ordinance.

(Code 1970, § 2-53)

Sec. 2-360. Duties of clerk of the common council.

- (a) The town and city clerk, as clerk of the common council, shall take all minutes (proceedings) of the common council and submit such minutes at the next month's meeting for approval.
- (b) The clerk shall record and attest by signature the common council doings by sending immediately after enactment and approval in writing by the mayor, a copy of any ordinance, resolution, report or other order of the common council to each department or office affected thereby.

(Ord. of 7-01)

Secs. 2-361--2-370. Reserved.

DIVISION 4. CLAIMS INVESTIGATOR

Sec. 2-371. Appointment; term; compensation.

There shall be a claims investigator appointed pursuant to chapter 3 of the Charter who shall be a classified employee.

(Code 1970, § 2-23)

Sec. 2-372. Duties; oath of office.

The claims investigator shall be sworn to the faithful discharge of the duties of his office which shall include the investigation of any and all claims against the city and attendance at all hearings of the committee on claims. The claims investigator shall discharge the duties of his office under the direction of the corporation counsel.

(Code 1970, § 2-24)

Secs. 2-373--2-380. Reserved.

DIVISION 5. SEALER OF WEIGHTS AND MEASURES*

***Charter references:** Authority to prevent use of unlawful weights and measures, § 536; sealer of weights and measures, § 2151; powers and duties of sealer, § 2152; penalties for short weight, § 2153.

State law references: Municipal sealers of weights and measures, G.S. § 43-6.

Sec. 2-381. Definition.

As used in this division, "sealer" shall mean the sealer of weights and measures.

(Code 1970, § 2-170)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 2-382. Office hours.

The sealer shall have office hours of at least two (2) hours each business day.

(Code 1970, § 2-171)

Sec. 2-383. To seek arrest of violators.

The sealer shall seek a warrant for the arrest of all persons who violate the provisions of this Code concerning accurate weights and measures. The police may seize any false scales, weights or measures, or false quantities of commodities found in the possession of those so arrested, and shall have these items delivered to the court before whom the arrested person is taken. In the event no arrest can be made under such circumstances, the sealer shall have the power to condemn and seize any false scale, weight or measure.

(Code 1970, § 2-172)

Sec. 2-384. Periodic inspection.

- (a) *Sealer to inspect measuring and weighing devices.* The sealer shall periodically inspect, and, if found correct, seal all devices used for weighing or measuring by any person who, as a businessman, sells goods, wares or merchandise by weight or measure. All devices which meet with the standard of the state shall be marked or sealed with the letters N.B.S. and the month and year of inspection.
- (b) *Sealer to visit places where measuring or weighing devices used.* The sealer shall inspect, at least once each year, all weighing or measuring devices used in buying or selling any articles of merchandise.

(Code 1970, § 2-173)

Sec. 2-385. Inspection by request.

If the sealer believes it necessary, he may, upon being requested, test any measuring or weighing device used in buying or selling goods, wares or merchandise in the city, by the standards of the state, and if found correct he shall mark or seal them with the letters N.B.S. and the month and year of inspection.

(Code 1970, § 2-174)

Sec. 2-386. Testing of platform scales; expense; refusal to pay.

- (a) *Inspection.* The sealer shall inspect and test all platform scales at the owner's expense.

- (b) *Report of owner's refusal to pay for inspection.* The sealer shall report to the council the name of any owner who refuses to pay for the inspection of platform scales and the facts connected with the refusal.

(Code 1970, § 2-175)

Sec. 2-387. Record of inspections.

- (a) *To keep records.* The sealer shall keep a record of all measuring and weighing devices inspected by him, together with the names of the owners, the devices inspected, the date of inspection, whether the devices meet the state standards, and his disposition of the same.
- (b) *Report to council.* The sealer shall annually report to the council the number of measuring and weighing devices inspected by him, together with their condition and his disposition of them.

(Code 1970, § 2-176)

Sec. 2-388. Owner not to use scale not approved by sealer.

- (a) *Owner not to use unapproved scale.* No owner of any measuring device subject to the regulatory power of the sealer shall use the device until sealed by the sealer, nor shall he remove the indicia of approval at any time.
- (b) *Sealer to have access.* The sealer shall have access during business hours to any weighing or measuring device regulated by him for inspection or testing.

(Code 1970, § 2-177)

Secs. 2-389--2-395. Reserved.

DIVISION 6. AUDITOR*

***Editor's note:** Res. No. 28130-2, adopted Oct. 27, 2004, set out provisions intended for use as § 2-34. For purposes of classification and at the editor's discretion, these provisions have been included as § 2-396.

Sec. 2-396. Auditor.

- (a) There shall be a city auditor, who shall be retained by the common council in accordance with section 4-9 of the City Charter.
- (b) The city auditor shall audit, as frequently as the common council deems necessary, the books and accounts of each officer, department, commission, agency and board of the city government, and all institutions that are supported by the city. Each such audit shall include an examination of performance in order to determine effectiveness in achieving the terms of the Code of Ordinances and expressed legislative purposes of the common

council. The general direction shall be provided by the committee on administration, finance and law. The auditor shall report his finding and recommendations to the common council.

- (c) If the city auditor discovers, or if it should come to such auditor's knowledge, that any unauthorized, illegal, irregular or unsafe handling or expenditure of city funds or any breakdown in the safekeeping of any resources of the city has occurred or is contemplated, such auditor shall forthwith present the facts to the common council.
- (d) The city auditor shall assist the common council and its committees in a research and advisory capacity as follows:
 - (1) Assisting the development of legislative programs and policies;
 - (2) Analyzing the long-range implications of alternative programs and policies;
 - (3) Being conversant in all matters coming before the common council and its committees, providing critique of executive branch opinions and analysis on such matters and answering questions on such matters posed by members of the common council;
 - (4) Maintaining familiarity with the actions and policies of each officer, department, commission, agency, and board of the city government, and all institutions that are supported by the city;
 - (5) Reporting to the common council any of the actions or policies referred to in subdivision (4) of this subsection that are, in the opinion of such auditor, of interest to the members of the common council or any committee thereof;
 - (6) Reviewing departmental budget requests and the proposed budget prepared by the board of finance and taxation and providing advice and critique as to their provisions to the members of the common council;
 - (7) Reviewing the mayor's proposed budget and providing advice and critique as to its provisions to the members of the common council;
 - (8) Providing assistance to committees of the common council in their review of the mayor's proposed budget and the preparation of such committees' recommendations;
 - (9) Providing assistance to the whole common council in their preparation of the city's approved budget;
 - (10) Checking executive branch expenditure and revenue estimates for accuracy;
 - (11) Preparing short analysis of the costs of executive branch programs and items being considered by the common council or any of its committees, upon request of any member of the common council;
 - (12) Recommending potential untapped sources of revenue;
 - (13) Assisting in the development of means by which budgeted programs can be periodically reviewed;
 - (14) Keeping track of state and federal aid programs to make sure that the city is taking full advantage of opportunities for assistance; and

- (15) Performing such other research and analysis services as may be determined by the committee established pursuant to section 4-9 of the City Charter.
- (e) Each officer, department, commission, agency, and board of the city government, and all institutions that are supported by the city shall keep their accounts and records in such form and by such methods as to exhibit the facts required by the city auditor and, the provisions of any other ordinance notwithstanding, shall make all records and accounts available to such auditor, upon demand.
- (f) Where there are statutory or ordinance requirements of confidentiality with regard to records and accounts reviewed by the city auditor, such requirements of confidentiality and the penalties for the violation thereof shall apply to the city auditor.
- (g) All reports issued or made pursuant to this section shall be retained in the offices of the common council for a period of not less than five (5) years. The city auditor shall file one (1) copy of each written report prepared by such auditor with the New Britain Public Library, except minor analysis such as those prepared pursuant to subdivision (11) of subsection (d) of this section.

(Res. No. 28130-2, 10-27-04)

Secs. 2-397--2-400. Reserved.

ARTICLE V. PERSONNEL *

***Charter references:** Civil service, §§ 301--453.

State law references: Municipal employees generally, G.S. §§ 7-460--7-479; municipal employees merit system, see G.S. § 7-407 et seq.; compensation of officers and employees, G.S. § 7-460.

DIVISION 1. GENERALLY

Sec. 2-401. Residence requirement of employees.

- (a) *Employees to meet requirements.* No person shall be employed in the classified service of the city or an appointee of the mayor unless he is a resident of the city or becomes a resident within six (6) months of his appointment.
- (b) *Dismissal on failure.* On failure of any employee in the classified service of the city or an appointee of the mayor, to become a resident within the six (6) month period required or on removal from the city, his employment shall be terminated and notice to that effect shall be forwarded to the director of finance who shall refuse to honor any payroll including the name of any such person.

(Code 1970, § 2-351)

Sec. 2-402. Reclassification or salary changes.

- (a) Any request for a new job classification, promotion, or salary modification for a city employee which does not originate with the board or commission to which the city employee is assigned, shall be referred to the board or commission to which the city employee is assigned, and to the civil service commission for reports before it is referred to the committee on ordinances and salaries.
- (b) The common council recommends that the following procedures be used in all reclassification requests:
 - (1) The request be initiated by the employee's commission, board or department head, as the case may be.
 - (2) The initial request be forwarded to the civil service commission for its recommendation and approval.
 - (3) The civil service commission refer all such requests for reclassification where approved by it to the common council together with a report and recommendation.
- (c) The common council establishes the following procedural requirements prior to its acting upon a request for reclassification:
 - (1) The matter shall be referred to the ordinances and salaries committee, and in the event that it has not been acted upon by the civil service commission, to the civil service commission also for its report and recommendation.
 - (2) The ordinances and salaries committee will not act upon such request for reclassification until it receives the report and recommendation of the civil service commission.
 - (3) Upon receipt of the report and recommendation regarding the reclassification of any position from the civil service commission, the ordinances and salaries committee will schedule a public hearing on such request.
 - (4) No public hearing will be scheduled for any request for reclassification upon which it has not yet received a report and recommendation from the civil service commission.
 - (5) The present pay scale and the recommended pay scale shall be included in the report from the civil service commission in actual dollars as opposed to steps in salary grades.

(Code 1970, § 2-354; Ord. of 5-74)

Sec. 2-403. Reserved.

Editor's note: An ordinance adopted March 3, 1993, repealed § 2-403 which pertained to limitation on extensions of mandatory retirement and derived from Code 1970, § 2-355.1 and an ordinance of May, 1980.

Sec. 2-404. Pensioners--Not to hold certain positions.

No person receiving a pension from the city shall be employed full-time by the city or any of its agencies or departments.

(Code 1970, § 2-356; Ord. of 1-80)

Sec. 2-405. Same--When part-time employment permitted.

Any person receiving a pension from the city may be employed, on a part-time basis, by the city, or any of its agencies or departments. For the purpose of this section, "part-time" shall mean not more than twenty (20) hours in any one week or not more than five (5) months in any calendar year.

(Code 1970, § 2-356.1; Ord. of 6-70)

Sec. 2-406. Same--Periodic reexamination of disabled.

After June 1, 1973, all employees who shall retire on disability and receive disability payments from the city shall be required to take a physical examination annually by a doctor provided by the city in the month of June. The city shall bear the expense of such examination and the doctor performing such examination shall provide the city with a report of the examination. Such report shall be forwarded to the department from which the employee retired.

(Code 1970, § 2-356.2; Ord. of 4-73)

Sec. 2-407. Civil service commission; adoption of classification and compensation plans.

The civil service commission shall, in accordance with the provisions of section 351 of the Charter, and after a public hearing, adopt classification and compensation plans for employees, including employees in the unclassified service, together with rules for their administration after thorough survey of the personnel and departmental organizations included in such plan or plans.

(Ord. of 9-89)

Secs. 2-408--2-415. Reserved.

DIVISION 2. PENSIONS*

***State law references:** Retirement of municipal employees, G.S. §§ 7-425--7-459a.

Sec. 2-416. Definitions.

As used in this division, the following terms shall have the meanings indicated in this section:

Committee shall mean the pension committee appointed by the mayor, with concurrence

of the common council, in accordance with the terms of this division.

Normal retirement age shall mean age sixty (60).

Qualified disabled employee shall mean any retired non-elective official or employee of the city who becomes totally and permanently disabled prior to his normal retirement age and who is not the recipient of benefits from workman's compensation and who has furnished satisfactory proof of total and permanent disability to the committee.

Qualified employee shall mean any retired nonelective official or employee of the city.

Qualified surviving spouse shall mean the legal spouse, at the time of death, of a qualified employee or qualified disabled employee.

(Code 1970, § 2-357; Ord. of 5-74)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 2-417. Purpose.

The purpose of this division is to provide an orderly method for determining eligibility of retired and disabled non-elective officials and employees for special pensions granted under authority of the common council. This division shall not be construed as abrogating the pension, legal or civil rights of any civil servant, employee or nonelective official of the city.

(Code 1970, § 2-357; Ord. of 5-74)

Sec. 2-418. Eligibility for participation.

- (a) A qualified employee shall be eligible to receive benefits provided for in this division who, on its effective date, or on his normal retirement age, shall have had fifteen (15) or more years of cumulative service with the city.
- (b) A qualified disabled employee shall be eligible to receive benefits provided for in this division, who on its effective date or on his normal retirement shall have had ten (10) or more years of cumulative service with the city.

(Code 1970, § 2-357; Ord. of 5-74)

Sec. 2-419. Retirement benefits.

- (a) Subject to the limitations set forth in this division, each qualified employee or qualified disabled employee shall be eligible, commencing at his normal retirement age, to a monthly retirement income for life; which when added to any social security benefits and/or benefits from any municipal employee retirement plan he is receiving, shall not exceed two hundred dollars (\$200.00).
- (b) Subject to the limitations hereinafter set forth, each qualified surviving spouse as long as such spouse shall live and remain unmarried, shall be eligible to receive a monthly retirement income; which, when added to any social security benefits and/or benefits from any municipal employee retirement plan he is receiving, shall not exceed two hundred dollars (\$200.00).

(Code 1970, § 2-357; Ord. of 5-74)

Sec. 2-420. Committee.

- (a) To guide and assist the common council in the interpretation of, and the administration of this division, the mayor, with the concurrence of the common council, shall appoint a pension committee of not less than four (4) members to serve without compensation for a period of two (2) years, or until their successors are appointed.
- (b) The pension committee shall formulate its own rules and procedures and may construe this division and determine all questions of interpretation, policy or administration in a manner not inconsistent with this division. The committee's construction or determination, in good faith, shall be reported to the common council and the committee may reconcile any inconsistency in such manner and to such an extent as it shall deem necessary or advisable to carry out the purpose of this division.

(Code 1970, § 2-357; Ord. of 5-74)

Sec. 2-421. Common council action on committee report.

After receiving a favorable report from the pension committee, the common council may, by majority vote of its entire membership, grant a pension under the terms of this division. If such report is unfavorable, the common council may by three-quarters (3/4) vote of its entire membership grant a pension under the terms of this division.

(Code 1970, § 2-357; Ord. of 5-74)

Sec. 2-422. Effective date.

The effective date of this division shall be July 1, 1974. Any person receiving benefits from the city prior to such effective date and under the provisions of former section 2-357 of the city's 1970 Code shall continue to receive such benefits; however, said person may request the Pension Committee to determine their eligibility for benefits under the provisions of this ordinance.

(Code 1970, § 2-357; Ord. of 5-74)

Sec. 2-423. Annual income statement required.

Subject to the limitations set forth in this division, each qualified employee or qualified disabled employees or surviving spouse who has been granted a special pension by the city shall be required to furnish annually to the special pension committee, full and complete documentation of their income and benefits, pursuant to conditions set forth in this division, in order to determine continued eligibility for benefits under the provisions of this division.

(Code 1970, § 2-357.3; Ord. of 1-77)

DIVISION 2A. BUY-OUT OF POLICE AND FIRE PENSION ESCALATOR**Sec. 2-424. Definitions.**

As used in this division, the following terms shall have the meanings indicated in this

section:

Actuarially-determined value shall mean the value, established by an actuary chosen by the city by resolution of the common council, as of the first day of a qualified retiree's retirement.

Buy-out amount shall mean the pension escalator amount multiplied by the buy-out rate.

Buy-out rate shall mean forty (40) per cent. The buy-out rate may be amended by the retiree benefits reserve fund committee from time to time in its discretion, subject to approval by the common council.

Pension escalator amount shall mean the actuarially-determined value of a qualified retiree's pension benefit attributable solely to all future cost-of-living adjustments to said retiree's pension benefits.

Qualified retiree shall mean any member of the police department or fire department hired before July 1, 1990, who (i) was an active member of the respective department on or before June 30, 1999, and (ii) is a retired member on or after July 1, 1999.

(Ord. of 9-00)

Sec. 2-425. Purpose.

The purpose of this division is to provide an eligible retiree with a one-time option to receive current payment of the portion of his/her pension benefit relating to the pension escalator amount. This division shall not be construed as abrogating the pension, legal or civil rights of any civil servant, employee or nonelective official of the city.

(Ord. of 9-00)

Sec. 2-426. Buy-out of pension escalator.

- (a) A qualified retiree shall be eligible to elect to receive his/her buy-out amount after the retiree's retirement from active service with the police department or fire department, as provided herein.
- (b) Within thirty (30) days after a qualified retiree's official retirement, the pension fund manager will provide the qualified retiree with a statement reflecting the buy-out amount. Within thirty (30) days of receipt of the statement, the qualified retiree may elect to receive his/her buy-out amount. The qualified retiree's election must be made in writing to the pension fund manager. No election may be made at any time after the thirty-day time period has expired.
- (c) The qualified retiree shall receive payment of the buy-out amount within thirty (30) days after the qualified retiree's execution and delivery of all documentation required by the city. If the required documentation is not received by the city by the date specified by the city, the election will be deemed void.
- (d) Further information regarding the buy-out of the police and fire escalator and the police benefit fund and firemen's pension fund generally, including the July 17, 2000, determination letters issued by the Internal Revenue Service confirming the tax-qualified nature of the plans, will be maintained in the office of the city and town clerk.

(Ord. of 9-00)

Sec. 2-427. Effective date.

The effective date of this division shall be July 1, 1999.

(Ord. of 9-00)

Secs. 2-428--2-430. Reserved.

DIVISION 3. TRAVEL EXPENSES*

***Editor's note:** An ordinance of Feb., 1988, § 1, repealed Division 3, Travel Allowances, §§ 2-431--2-434, and added new provisions in lieu thereof, as herein set out. The former provisions were derived from Code 1970, §§ 2-361--2-364; and an ordinance of June, 1981.

Sec. 2-431. Use of personal automobile for intra-city or intra-state travel.

- (a) Officers and employees of the city shall be reimbursed at the effective federal mileage rate per mile for intra-city use of a personal automobile on city business, provided, however, that there shall be no reimbursement for travel to and from the officer's or employee's home to his/her worksite and further provided that there shall be no reimbursement for use of a personal automobile if a city vehicle is available for such use.
- (b) Use of a personal automobile for city business must be authorized in advance by the department head or no reimbursement will be allowed.
- (c) Claims for reimbursement for use of a personal vehicle must be supported by an itemized statement which includes the mileage claimed, the destination, the date and the city business on which the employee was engaged.

(Ord. of 2-88, § 1; Ord. of 9-98, § 1; No. 26768-1, 2-13-02)

Sec. 2-432. Other travel expenses.

- (a) *Travel authorization.* No travel costs in excess of fifty dollars (\$50.00) shall be paid unless a request for travel authorization is submitted three (3) working days in advance of the date of departure to the finance director and approved by him/her before the time of departure, except where for a bona fide reason these requirements cannot be met. The finance director shall receive the request and expedite it to meet the other provisions and conditions of this division. The finance director shall review the request for travel authorization to ascertain the availability of funds.
- (b) *Prior approval required.* No officer or employee shall be reimbursed for travel expenses or shall receive an advance for travel expenses unless such travel has been authorized in advance by the department head, in the case of a subordinate employee; by the mayor and board or commission in the case of a department head; or by the mayor in the case of a board or commission member or a department head of a department in which there is no board or commission. In addition, if more than two (2) officers,

employees or board or commission members of a department will be traveling to the same place or if the total expense connected with such travel shall exceed three thousand dollars (\$3,000.00) for all officers or employees traveling, such travel must be approved, in advance, by the common council, regardless of the source of funding for such travel.

- (c) *Travel allowance.* Advances or reimbursements for travel expenses while upon official business of the city shall be computed in the following manner and shall not exceed the following amounts:
- (1) *Transportation:* Actual cost of transportation not to exceed the lesser of the effective federal rate per mile or the actual cost of public transportation (rail, bus or air) coach class.
 - (2) *Meals:* Actual costs of meals, supported by receipts, up to a maximum of forty dollars (\$40.00) per day, provided, however, the registration at a conference does not include meal(s).
 - (3) *Hotel:* Actual cost of single room not to exceed the room rate of the hotel which serves as a convention center, if applicable. Payment of hotel costs will be limited to the number of days the officer or employee is on official city business, provided, however, if the location is more than one hundred (100) miles from the city, payment will be allowed for the night prior to a conference or meeting scheduled to commence before noon and the night of a session ending after noon. Payment may be authorized at the discretion of the department head for additional weekend nights if a reduced air fare requiring a Saturday night stay-over results in an overall cost saving to the city.
 - (4) *Registration fees:* Actual costs of registration fees, supported by proof of payment.
 - (5) *Miscellaneous:* Actual costs of miscellaneous expenses, ground transportation, tolls, parking, etc.
 - (6) *Car rentals:* Actual costs supported by receipt, provided prior approval and authorization has been obtained.
- (d) *Accounting after trip.* An officer or employee receiving an advance for travel shall submit an itemized account of expenses incurred and shall return any surplus to the finance department within five (5) days of return from such travel.

(Ord. of 2-88, § 1; Ord. of 10-90; Ord. of 9-98; No. 26768-1, 2-13-02)

Sec. 2-433. Noncompliance.

- (a) Any officer, employee, board or commission member who shall fail to comply with the provisions of this division shall not be entitled to reimbursement or future advance payments and shall be liable for repayment of any advance made for travel expenses.
- (b) The finance director shall be responsible for the recovery of any monies received by any officer, employee, board or commission member in violation of this division.

(Ord. of 2-88, § 1; Ord. of 9-98; No. 26768-1, 2-13-02)

Sec. 2-434. Reserved.

DIVISION 4. EMPLOYEE SUGGESTION AWARDS PROGRAM

Sec. 2-435. Purpose.

The purpose of the employee suggestion awards program is to provide for cash payments or honorary awards to employees who submit suggestions that are adopted and implemented, which suggestion will result in substantial monetary savings or improvement in city operations.

(Ord. of 9-85)

Sec. 2-436. Employee suggestions board.

- (a) *Composition.* There shall be an employee suggestion awards board consisting of the finance director, the personnel director, a member of the staff of the office of the mayor; and
 - (1) Two (2) employees of the city appointed by the mayor with the approval of the common council. One such member shall be appointed for an initial term of one year and the other such member for a term of two (2) years; and
 - (2) One member appointed by the common council who shall serve a term of two (2) years.
- (b) *Powers and duties of board.* The employee suggestion awards board shall:
 - (1) Elect a chairman and a secretary;
 - (2) Adopt rules governing its proceedings;
 - (3) Maintain permanent and accurate records of its proceedings and cause minutes thereof to be filed in the office of the town clerk in accordance with the applicable provisions of the general statutes;
 - (4) Establish criteria for making awards not inconsistent with the provisions of this division;
 - (5) Adopt rules and regulations for the administering of the employee suggestion awards programs not inconsistent with this division; and
 - (6) Act on employee suggestions in accordance with the provisions of this division and any rules or regulations promulgated by the board.

(Ord. of 9-85)

Sec. 2-437. Department evaluation committee.

- (a) *Composition.* For each city department there shall be a department evaluation committee appointed by the department head and consisting of not fewer than three (3) department employees, including the department head if he/she so elects.

- (b) *Powers and duties.* The department evaluation committee shall:
 - (1) Evaluate all suggestions received from the employee suggestion awards board and estimate costs and savings resulting from implementation;
 - (2) Recommend the adoption or rejection of suggestions and the amount of any award to be granted, to the employee suggestion board.

(Ord. of 9-85)

Sec. 2-438. Eligibility of suggestions.

- (a) *Definition.* "Suggestion" shall mean a proposal submitted on an official employee suggestion form which clearly identifies a specific means of improving city operations, productivity or efficiency.
- (b) *Ineligible suggestions.* Suggestions shall be ineligible if they:
 - (1) Merely propose enforcement of existing policy and procedures;
 - (2) Are in conflict with the City Charter or collective bargaining agreements;
 - (3) Constitute personal grievances;
 - (4) Fall within the normal job responsibilities of the employee;
 - (5) Duplicate ideas already under consideration by the department or developed through consultants;
 - (6) Concern a policy or procedure in practice for less than six (6) months.
- (c) *Duplicate suggestions.* In the case of duplicate suggestions, only the suggestion with the earliest date of receipt will be eligible for consideration.
- (d) *Group suggestions.* Group suggestions will be received by the same criterion as those submitted by individual employees; and any award will be divided equally among the group.
- (e) *Modification of suggestions.* Accepted suggestions which are adopted in a modified form will be eligible for awards.
- (f) *Deceased employees.* Awards for accepted suggestions shall be made to the heirs or estate of employees who predecease receipt of such awards.

(Ord. of 9-85)

Sec. 2-439. Suggestion evaluation process.

- (a) Completed employee suggestion forms shall be submitted through the personnel director to the employee suggestion awards board. Said board shall:
 - (1) Record the date of receipt and assign a number to each suggestion;
 - (2) Determine the eligibility of the employee and his/her suggestion;
 - (3) Refer eligible suggestions to the department evaluation committee of the department affected by the suggestion.

- (b) Within thirty (30) days of a referral of a suggestion by the board, the department evaluation committee shall:
 - (1) Evaluate the suggestion; and,
 - (2) Where appropriate, estimate the projected cost and savings involved;
 - (3) Forward its evaluation and recommendation to the personnel director, who shall transmit said evaluation and recommendation to the employee suggestion board together with a recommended amount of award, if any.
- (c) The civil service commission shall:
 - (1) Promote the employee suggestion awards program;
 - (2) Provide suggestion forms to employees and departments upon request.
- (d) The employee suggestion awards board shall:
 - (1) Review award recommendations received from the evaluation committees through the personnel director;
 - (2) Affirm, modify or deny the award recommendation; and
 - (3) Notify the employee and his/her department of its decision.
- (e) The suggestion evaluation process shall not exceed a maximum of sixty (60) days from submission to final determination unless a time extension is approved by the board.

(Ord. of 9-85)

Sec. 2-440. Determination of awards.

- (a) *Tangible savings.* Accepted suggestions which result in measurable "before and after" costs savings may qualify for a cash award limited to ten (10) per cent of the first year's estimated savings or two thousand dollars (\$2,000.00), whichever is less. Cash awards approved by the employee suggestion awards board will be charged against the appropriation item or items to which the estimated savings apply.
- (b) *Intangible benefits.* Accepted suggestions which result in benefits to the city which cannot be measured in dollars may qualify for a maximum award of one thousand dollars (\$1,000.00), based on criteria established by the employee suggestion awards board.

(Ord. of 9-85)

Sec. 2-441. Review of unaccepted suggestions.

- (a) Employees whose suggestions are not accepted by the department evaluation committee may request that the employee suggestion board review the evaluation. Such appeals shall:
 - (1) Be submitted in writing to the board within fifteen (15) days of notification of determination; and
 - (2) Include a statement of why the suggestion should be re-evaluated.

- (b) If the board determines that the suggestion merits re-evaluation, the suggestion shall be referred to the appropriate department evaluation committee for reconsideration.
- (c) The board shall consider the committee's re-evaluation decision prior to the board's final decision. The board's decision is not subject to further review.

(Ord. of 9-85)

Sec. 2-442. Waiver of claims.

All suggestions become the property of the City of New Britain; any employee submitting a suggestion shall thereby waive any and all rights and claims thereupon other than those enumerated herein.

(Ord. of 9-85)

DIVISION 5. MOTOR VEHICLE USE POLICY*

***Editor's note:** An ordinance adopted Mar. 7, 1990, amended Ch. 2, Art. V, by adding Div. 5, §§ 2-443--2-445h, thereto. The editor has changed the section designations to §§ 2-443--2-445.8 to conform to the style of this Code.

Sec. 2-443. General policy.

- (a) It is the policy of the city to ensure that all city employees requiring transportation for the satisfactory completion of their assigned duties will either:
 - (1) Have a city vehicle available for their use as required by the nature of their work, or
 - (2) Be adequately reimbursed for the use of their own private vehicles when such is authorized.
- (b) All city employees requiring use of transportation with their official duties are expected to conform to the condition set forth in this policy. It is each department director's responsibility to assure that employees under his/her control comply with this policy.

(Ord. of 3-90)

Sec. 2-444. Use of privately owned vehicles for city business.

The use of privately owned vehicles in connection with official city business for local travel during normal duty hours will be authorized when a city vehicle is not available.

(Ord. of 3-90)

Sec. 2-445. Vehicle assignments.

- (a) No vehicle will be assigned to an employee of the city unless that employee is regularly

on call for emergencies during nonbusiness hours or is regularly required to attend evening and weekend meetings. Further, no such assignments shall be made unless the employee involved has actually been called in for emergencies or has been required to attend such meetings.

- (b) All other city vehicles will be issued to departments for department-wide use or the city car pool.
- (c) City vehicles shall not be used on personal business. Should an employee use a city vehicle for a purpose other than providing an approved city service, that employee may be subject to disciplinary procedures.
- (d) The city reserves the right to deny an employee the use of a city vehicle due to a poor driving record, vehicle abuse, or violation of city vehicle use policies. Vehicle use privileges require a valid state driver's license and such education in safety and fuel economy techniques and training in correct automobile operation as the city may require.
- (e) City vehicles are to be driven by full-time city employees. Driving privileges for specially funded part-time contract and seasonal employees will require approval by the mayor or his designee.

(Ord. of 3-90)

Sec. 2-445.1. Driver's responsibility.

- (a) It is every driver's responsibility to operate a city vehicle in a safe and fuel efficient manner.
- (b) Drivers of city vehicles are required to log odometer readings and destinations of all trips made. Upon the request of the mayor or his designee, drivers shall document miles concerning trip use of a city vehicle.
- (c) Drivers operating a car pool vehicle whose fuel gauge registers one-half full or less are required to fill the fuel tank and check the engine oil level before returning the vehicle to the pool.
- (d) Drivers are responsible for promptly reporting to their department head or the city property manager any mechanical trouble or damage found in a city vehicle.
- (e) It is city policy and state law that seat belts must be worn when operating a city vehicle.
- (f) In the event of an accident or mechanical breakdown, the driver will call the city property manager or the department director. Insurance, registration and accident procedure cards are located in the car pool vehicle glove compartment as an easy reference for the driver.
- (g) Drivers who incur a parking ticket or other traffic violation while operating a city vehicle will be personally liable for all fees, fines and other liabilities incurred.
- (h) Drivers are responsible for locking the doors and closing the windows whenever leaving city vehicles unattended or when the vehicle is returned to the car pool lot.
- (i) Those employees with overnight and weekend assignments shall return the car pool vehicle to the pool lot at the beginning of each work day and whenever a vacation or

other type of personal leave is scheduled.

- (j) Official vehicles when kept overnight at an employee's place of residence will be parked off the street on the premises of the vehicle operator and in a driveway.

(Ord. of 3-90; No. 26824-1, 2-27-02)

Sec. 2-445.2. Required marking of city-owned vehicles.

- (a) All city-owned vehicles, except those city-owned vehicles used by the mayor, chief of police, assistant chiefs of police and detectives, shall be marked on each side with a city seal and include the words "City of New Britain", and shall have municipal license plates.
- (b) No private equipment, decorations, stickers or advertisements shall be affixed to a city vehicle without the written permission of the mayor.

(Ord. of 3-90; Ord. of 10-90; No. 26824-1, 2-27-02)

Sec. 2-445.3. Out-of-state and overnight travel.

- (a) Travel by employees using a city vehicle will be limited to the state. Travel out of state with a city vehicle is prohibited without expressed prior authorization of the mayor.
- (b) Overnight travel with a city-owned vehicle is prohibited without expressed prior authorization of the mayor.

(Ord. of 3-90)

Sec. 2-445.4. Complaints.

All complaints concerning city vehicles, drivers or passengers shall be immediately investigated by the appropriate department head. The results of the investigation shall be reported promptly in writing to the mayor. The report shall contain:

- (1) Name, address and telephone number of the complainant, if known.
- (2) Summary of the complaint.
- (3) Investigation findings.
- (4) Remedial action taken, if warranted.
- (5) Name, address and operator's number of the driver.

(Ord. of 3-90)

Sec. 2-445.5. Reimbursement policy for use of private vehicle.

- (a) Any employee of the city authorized to use his/her personal vehicle to accomplish city business will be reimbursed at the following federal rates as established by the general services administration:
 - (1) When a city pool vehicle is available, but a personal vehicle is still used, no reimbursement will be paid.

- (2) When no pool vehicle is available, thereby necessitating the use of a personal vehicle the effective federal rate.
 - (b) Reimbursement will be on a monthly basis on forms prescribed by the department of finance and with proper approvals. All reimbursements will be at the "pool car available rate" unless otherwise documented by the employee submitting for reimbursement.
- (Ord. of 3-90; No. 26768-1, 2-13-02)

Sec. 2-445.6. IRS regulations on employee withholdings.

The city will implement IRS regulations pertaining to employee withholdings for the use of city-owned vehicles as established and amended by the Internal Revenue Service.

(Ord. of 3-90)

Sec. 2-445.7. Financial responsibility.

- (a) Employees operating city-owned automobiles are protected against claims for property damage and/or bodily injury arising out of the use of that vehicle when:
 - (1) The employee is acting in the performance of his/her duties and within the scope of his/her employment; and
 - (2) The damage is not the result of wilful, malicious or intentional act.
- (b) Employees operating city-owned vehicles outside the performance of their duties and scope of employment and without the written permission of the mayor or department head, shall be held responsible for property damage, including the reasonable value of wear and tear on the car and/or personal injury arising out of such unauthorized use.
- (c) Employees using privately owned vehicles on official city business are provided liability coverage by the city on an "excess basis," secondary to any other collectible insurance. This does not include physical damage coverage to the employee's vehicle (comprehensive and collision). Mileage reimbursement payments anticipate insurance costs borne by the owner of the vehicle, therefore, any privately owned vehicle used on city business must be covered by insurance with minimum limits as required by Connecticut State Statutes.

(Ord. of 3-90)

Sec. 2-445.8. Penalties and disciplinary action.

- (a) Failure to comply with the provisions of this policy shall result in progressive disciplinary action.
- (b) Progressive disciplinary action will be taken for engaging in unsafe practices with a motor vehicle.
- (c) The wilful neglect or misuse of any city-owned vehicle is a cause for disciplinary action up to and including dismissal.

(Ord. of 3-90)

ARTICLE VI. CODE OF ETHICS*

***State law references:** Authority to adopt code of ethical conduct, G.S. § 7-148(c)(10)(B).

DIVISION 1. GENERALLY*

***Editor's note:** An ordinance adopted in December, 1995, amended former Div. 1, §§ 2-446--2-451, relative to general code of ethics provisions, in its entirety to read as herein set out. The provisions of former Div. 1 derived from Code 1970, § 2-1 and an ordinance adopted in April, 1983.

Sec. 2-446. Title and purpose.

This section shall be known and referred to as the "Code of Ethics of the City of New Britain."

The purpose of this Code of Ethics is to establish and maintain high standards of honesty, integrity, and impartiality for the mayor and for all elected and appointed officials in the City of New Britain.

(Ord. of 12-95)

Sec. 2-447. Definitions.

The following terms when used in this article, shall have the following meanings, unless the context otherwise requires.

Candidate for public office means any individual who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official of the city or who has raised or expended money in furtherance of such candidacy, or who has been nominated for appointment to serve as a public official of the city.

City agency means and includes the common council, the board of education and all other agencies, boards, committees, commissions, departments and offices of the city.

Business with which he is associated means any business in which the official or employee or member of his immediate family is a director, officer, owner, limited or general partner, or holder of stock constituting five (5) per cent or more of the total outstanding stock of any class. "Officer" refers only to the president, executive or senior vice-president, secretary or treasurer of such business.

Gift means a payment, subscription, advance, forbearance, rendering of services, deposit of money, or anything of value unless consideration of equal or greater value is received. "Gift" shall not include a political contribution otherwise reported as required by law; services provided without compensation by persons volunteering their time; a commercially

reasonable loan made on terms not more favorable than loans made in the ordinary course of business; a gift received from an individual's spouse or the parent, brother or sister of such spouse or such individual, or the child or spouse of such child; or food or beverage or both, consumed on a single occasion, the cost of which is less than twenty-five dollars (\$25.00) per person.

Immediate family means any spouse, dependent children, parent (birth or adoptive), or dependent relatives who reside in the individual's household.

Individual means a natural person.

Official or employee means any official, employee, agent, consultant or member, elected or appointed to, or retained by any city agency, whether paid or unpaid, whether permanent, temporary or provisional.

Person means a business, individual, corporation, union association, firm, partnership, committee, club or other organization or group of persons.

Political contribution has the same meaning as in general statutes section 9-333b.

(Ord. of 12-95)

Sec. 2-448. Purpose of the Code of Ethics.

- (a) Every official and employee shall avoid the participation in a private interest or relationship, which conflicts with his/her public duty and shall avoid any conduct or actions in any matter in which his/her participation would tend to undermine public confidence.
- (b) Only an action by an official or employee in violation of the provisions set forth in section 2-449 shall constitute a violation of the Code of Ethics.

(Ord. of 12-95; Res. No. 28442-3, 5-24-06)

Sec. 2-449. Prohibited activities.

- (a) No official or employee shall have any interest, financial or nonfinancial, direct or indirect, or engage in any business, employment, transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his/her duties and responsibilities as prescribed in the charter and ordinances of the city or the laws of the state.
- (b) No official or employee shall accept other employment that will affect his/her independence of judgment or cause him/her to disclose confidential information acquired in the course of and by reason of official duties.
- (c) No official or employee shall willfully and knowingly disclose confidential information acquired in the course of and by reason of official duties. He/she shall not use any confidential information obtained from public office or employment to obtain financial gain for himself/herself, family member or a business with which he/she is associated.
- (d) No official or employee shall agree to represent, appear for or take action on behalf of another person before any city agency for a fee or other consideration. This includes being a member or employee of a partnership, association or professional corporation

that could represent another person.

- (e) No person shall offer or give to an official or employee or his spouse, his parent, brother, sister or child or spouse of such child or a business with which he is associated, anything of value, including, but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the official or employee would be or had been influenced thereby.
- (f) No official or employee shall solicit or accept, and no person shall offer or give an official or employee or his/her relative, anything of value, including but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the official or employee would be or had been influenced thereby.
- (g) No official or employee or member of his immediate family or a business with which he/she is associated shall enter into any contract with any city agency unless the contract has been awarded through an open and public process. This process must include any prior public offer and subsequent public disclosure of all proposals considered and the contract awarded. Any contract made in violation of this paragraph of this paragraph shall be voidable by a court of competent jurisdiction provided the suit is begun within ninety (90) days of the making of the contract.
- (h) No official or employee shall grant or make available to any person any consideration, treatment, advantage or favor that it is not available to the general public.
- (i) No official or employee shall request, use or permit the use of any publicly-owned or publicly-supported property, vehicle, equipment, labor or service for the personal use unless it is also made available to the general public. This rule shall not be deemed to prohibit uses that are provided as a matter of stated public policy and are for the use of officials and employees in the conduct of official business.
- (j) No official or employee shall disclose any information concerning matters discussed in a duly convened executive session of a public agency.
- (k) No official or employee who makes decisions on behalf of the public shall participate in matters in which he or his immediate family will gain financial advantage or suffer financial detriment as a result of the decision reached. In any situation in which a decision on any question can not be arrived at without the participation of a decision-maker who would otherwise be disqualified under this paragraph, such decision-maker may participate and act, but shall make his conflict of interest public.
- (l) No official may appoint or hire any member of his/her immediate family to any paid position with the city.

(Ord. of 12-95; Ord. of 1-7-98; Res. No. 28442-3, 5-24-06)

Sec. 2-450. Interest in conflict with discharge of duties.

An official or employee has an interest which is in substantial conflict with the proper discharge of his duties and of his responsibilities as prescribed in the charter and ordinances of the city and the laws of the state if he has reason to believe or expect that he, any member of his immediate family or business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. He does

not have an interest which is in substantial conflict with the proper discharge of his duties and of his responsibilities, if any benefit or detriment accrues to him, any member of his immediate family or business with which he is associated as a member of a business, profession, occupation or group to no greater extent than any other member of such business, profession, occupation or group.

(Ord. of 12-95)

Sec. 2-451. Certain activities restricted after leaving public office or employment.

- (a) No former city official or employee shall represent anyone other than the city concerning any particular matter (1) in which he participated personally and substantially while in city service and (2) in which the city has a substantial interest.
- (b) No former city official or employee shall, for one year after leaving city service, represent anyone other than the city, for compensation before the department, agency, board, commission, council or office in which he served at the time of his termination of service, concerning any matter in which the city has a substantial interest.
- (c) No former city official or employee who participated substantially in the negotiation or award of a city contract obligating the city to pay an amount of fifty thousand dollars (\$50,000.00) or more, or who supervised the negotiation or award of such a contract, shall accept work of any kind including employment or any consulting arrangement, from a party to the contract other than the city for a period of one (1) year after his or her departure from the city office or position if his or her departure occurs less than one (1) year after the contract is signed.

(Ord. of 12-95; Ord. No. 27952-2, 7-22-04)

Sec. 2-452. Procedure when discharge of duty affects member's financial interest or may constitute impropriety or appearance of impropriety.

Any official or employee who, in the discharge of his official duties or responsibilities, would be required to take an action that would directly or indirectly affect a financial interest of himself, any member of his immediate family or business with which he is associated, other than an interest of a de minimis nature or an interest that is not distinct from that of a substantial segment of the general public, shall be excused from voting or deliberating or taking action on the matter if he so requests, but if he does not make such request he shall take the following action:

- (1) Prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the potential conflict; state why despite the potential conflict, he is able to vote and otherwise participate fairly, objectively and in the public interest; and
- (2) Deliver a copy of the statement to the board of ethics and if he is a member of the common council or the board of education, he shall deliver a copy of the statement to be recorded in the minutes of the body; or
- (3) If he is not a member of the common council or the board of education, he shall prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the potential conflict and deliver a

copy of the statement to his immediate superior, if any, who shall assign the matter to another employee or if he has no immediate superior, he shall take such steps as the commission shall prescribe or advise to remove himself from influence over actions and decisions on the matter; or

- (4) If the individual in question is the mayor of the city, he shall recuse himself from deliberating or taking action on the matter immediately.

(Ord. of 12-95)

Sec. 2-453. Enforcement.

The board shall have the power to investigate any reported allegations, to hold hearings and to provide specific recommendations of disciplinary action in accordance with city procedures and policies. The board of ethics shall report its findings to the common council as to whether or not a violation of this article has occurred, together with recommended sanctions to be imposed by the common council, unless city procedures and policies require that the matter be addressed elsewhere. Such report shall be filed with the city clerk with copies to the mayor's office and common council no later than one hundred eighty (180) days from the date on which the board of ethics is notified of the matter in question. Sanctions may include but are not limited to fines, termination of employment, suspension without pay, censure and/or reprimand. If the board believes an activity to be illegal, it shall report its findings to the appropriate authority for investigation.

(Ord. of 12-95; Res. No. 28442-3, 5-24-06)

Secs. 2-454--2-460. Reserved.

DIVISION 2. BOARD OF ETHICS*

***Cross references:** City boards, commissions, committees and authorities generally, § 2-126 et seq.

Sec. 2-461. Members; appointment; qualifications; vacancies; political activity.

- (a) There shall be a board of ethics consisting of five (5) members. All members shall be appointed by the mayor in accordance with subsections 5-2(e) and 7-1(b) of the City Charter. The members shall be appointed for a term of three (3) years, provided that members may continue in office until a successor has been appointed. Appointments shall be subject to 9--167a of the Connecticut General Statutes.
- (b) All members shall be residents of the city. No member shall:
 - (1) Hold or campaign for any public office;
 - (2) Have held public office or have been a candidate for public office for a one-year period prior to appointment;
 - (3) Hold office in any political party or political committee;

- (4) Serve as a member of any other municipal agency;
 - (5) Be a public official or public employee of the municipality or an official or employee of a quasi-public agency of the municipality; or
 - (6) Any immediate family member of any official or employee.
- (c) (1) Although any member of the board shall have an unrestricted right to vote, make political contributions, attend fundraising or other political events, no member or employee shall publicly support any candidate for any municipal office subject to the board's jurisdiction. An individual would be publicly supporting a candidate by, for example, volunteering as a campaign worker, giving a speech at a political event or formally endorsing a candidate.
- (2) No candidate for political office may disseminate information which indicates that a board member supports his or her candidacy.

(Code 1970, § 2-1(E)(1)(a); Ord. of 4-83; Ord. of 12-95; Ord. of 7-01; No. 26897-1, 12-11-02; Ord. No. 27825-1, 1-28-04; Res. No. 28442-3, 5-24-06)

Sec. 2-462. Advisory opinions.

Upon the written request of the officer or employee concerned, the board shall render written advisory opinions based upon the provisions of this article. The board shall file its advisory opinions with the city clerk but may delete the name of the officer or employee involved.

(Code 1970, § 2-1(E)(1)(b); Ord. of 4-83)

Sec. 2-463. Complaints.

- (a) Upon the complaint of any person, signed under penalty of false statement, or upon its own complaint, the board shall, after meeting and determining that there is sufficient evidence to warrant such inquiry, investigate any alleged violation of this article. The board shall not later than five (5) days after so meeting notify by registered or certified mail any respondent against whom such complaint is filed and a copy of such complaint shall accompany such notice. The board shall also notify the complainant of its receipt of such complaint not later than five (5) days thereafter. Upon receipt of notice, the respondent shall have the right to demand a hearing before the board within fifteen (15) days.

If the board determines that a verified complaint does not allege facts sufficient to constitute a violation of this article, it shall dismiss the complaint and notify the complainant and respondent.

- (b) In the event the board decides that a hearing is required, or the respondent demands a hearing, such hearing shall afford the respondent the right to appear and be heard and to offer any information which may tend to clear him; to be represented by legal counsel; to examine and cross-examine witnesses; and to face the complainant. No hearing may be conducted with less than three (3) board members in attendance. The board shall make no finding that a violation of this article has occurred except upon the concurring vote of at least three (3) of its members who have heard all the evidence presented.

(Code 1970, § 2-1(E)(1)(c); Ord. of 4-83; Ord. of 6-92)

Sec. 2-464. Powers.

The board of ethics may issue subpoenas or subpoenas duces tecum, enforceable upon application to the superior court, to compel the attendance of persons at hearings and production of books, documents, records and papers, pursuant to section 7-148h of the General Statutes.

(Code 1970, § 2-1(E)(1)(d); Ord. of 4-83)

Sec. 2-465. Confidentiality of complaints, evaluations of possible violations and investigations.

Unless the board makes a finding of a violation of this article, a complaint alleging a violation of this article shall be confidential except upon the request of the respondent. A board evaluation of a possible violation of this article prior to the filing of a complaint by the board shall be confidential except upon the request of the subject of the evaluation.

(Ord. of 6-92)

Secs. 2-466--2-475. Reserved.

ARTICLE VII. FINANCE*

***Cross references:** Capital equipment reserve committee, § 2-111 et seq.; board of compensation and assessment, § 2-141 et seq.; insurance commission, § 2-211 et seq.; bonding committee, § 2-296 et seq.; pensions, § 2-416 et seq.; purchasing regulations, § 2-531 et seq.; taxation, Ch. 22.

State law references: Town treasurers generally, G.S. §§ 7-80--7-85; authority to manage and control finances, G.S. 7-194.

DIVISION 1. GENERALLY

Sec. 2-476. Fiscal year.

Pursuant to section 7-381 et seq. of the General Statutes, the city hereby establishes a new fiscal year beginning July 1 and ending June 30, both dates inclusive, of the following year.

(Code 1970, § 2-63.1; Ord. of 7-72; Ord. of 7-01)

Sec. 2-477. Supervision of accounts.

- (a) *Accounts on accrual basis; the finance director to prescribe forms and practices.* The director of finance shall cause all accounts of the city to be kept on the accrual basis.

The director shall prescribe the forms and accounting practices to be used by all departments. The director of finance shall require that disbursements and expenditures be so controlled as to ensure that appropriations are not exceeded.

- (b) *Audits and reports to mayor and board.* The director of finance shall examine and audit, at any time whenever directed by the mayor, the board of finance and taxation subject to approval of the common council, or the council, the accounts, books, bills and vouchers, and the methods of conducting business of any department of the city government, and of any officer of the city, and shall report thereon to the mayor, the board of finance and taxation and the council.

(Code 1970, § 2-64; Ord. of 7-01)

State law references: Uniform accounting system, G.S. § 7-399; municipal auditing act, G.S. §§ 7-391--7-397; requirement that audit be included in annual report of the city, G.S. § 7-394.

Sec. 2-478. Departments and officers' records; responsibility of director.

The director of finance shall keep accounts and records in ledgers established in the city's automated financial system(s) provided for that purpose with such city departments and with such city officers as may be designated by the council, as well as such other records as the ordinances may direct.

(Code 1970, § 2-65; No. 26768-1, 2-13-02)

Sec. 2-479. Record of taxes due the city.

The collector of taxes, shall do the following:

- (1) Ascertain the amount of taxes uncollected and due to the city on each and every city rate bill;
- (2) The collector of taxes shall prepare a statement of uncollected taxes setting forth each separate tax uncollected, together with the total amounts of the same.

(Code 1970, § 2-66; No. 26768-1, 2-13-02)

Sec. 2-480. Record of indebtedness of city.

The director of finance and the treasurer in the annual comprehensive financial report shall report the total indebtedness of the city as of June thirtieth of each year.

(Code 1970, § 2-67; No. 26768-1, 2-13-02)

State law references: Bonded indebtedness of cities, G.S. § 7-374; municipal bond issues, G.S. §§ 7-369--7-380a.

Sec. 2-481. Record of paid bills.

All bills which have been paid by the city shall be receipted, reviewed, recommended for payment and transmitted to the finance department who shall preserve the record of the department.

(Code 1970, § 2-68; No. 26768-1, 2-13-02)

Sec. 2-482. Council approved method required for all drafts.

The director of finance shall draw an order on the treasurer for payments of salaries, claims or accounts, and each such order shall specify the department under which such salary, claim or account is drawn, and no order shall be drawn without approval by the department incurring the liability and the director of finance as follows:

- (1) Monies payable by the city treasurer from the city treasury, under the authority of the general statutes;
- (2) Monies due from the city on claims evidenced by judgment of a competent court and all other legal settlements approved in writing by the corporation counsel;
- (3) Salaries of officers and employees, fixed by the council, and payrolls when properly approved;
- (4) Monies payable for freight and stock purchased whereby the city secures a cash discount on time settlements, if the director of finance is satisfied as to the correctness of such bills; and
- (5) Individual orders drawn for goods, services, utilities, refunds, debt service, rents and all other charges incurred by city departments.

(Code 1970, § 2-69; No. 26768-1, 2-13-02)

Sec. 2-483. Manner of disbursements for bills and payrolls.

The director of finance having drawn orders for bills and payrolls shall remit them to the appropriate vendor and/or department. The director of finance shall disburse all orders in payment of salaries of city officials.

(Code 1970, § 2-70; Ord. of 7-01)

Sec. 2-484. Written order of director of finance required for all payments from city treasury.

Unless specifically provided by the Charter or ordinances, no money shall be paid from the city treasury except upon the written order of the director of finance specifying the nature of the claim, and any payment otherwise made shall not be binding upon the city.

(Code 1970, § 2-71)

Sec. 2-485. Director may make payment where cash discounts concerned.

Whenever it may be advantageous to the city by reason of cash discounts or otherwise, bills or accounts properly contracted by any board, commission, agency, or public officer of the city and approved by the purchasing agent may be ordered paid by the director of finance.

(Code 1970, § 2-72; No. 26768-1, 2-13-02)

Sec. 2-486. Order of payment by treasurer and receipts for deposits.

Orders drawn by the director of finance upon the treasurer shall be paid by the latter in the order in which they are presented, and whenever any money is deposited with the treasurer, duplicate receipts thereof shall be executed by the treasurer, one of which shall be delivered to the party paying such money, and the other delivered immediately to the director of finance.

(Code 1970, § 2-73)

Sec. 2-487. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-487. Former § 2-487 pertained to the procedure of payment of bills in case of insufficient funds and derived from the Code of 1970.

Sec. 2-488. Assessment of damages against the city for public improvements.

When any assessment of damages against the city for any public improvement is due and payable to any person or persons, a bill for the amount of damages assessed to each in excess of the benefits assessed to the same person for the public improvements, shall be by such person presented to the clerk, and having been compared with the order of assessment and certified to be correct, shall be passed in the same manner as other bills. In case any person in whose favor such bill for damages is passed shall refuse to accept the order drawn therefor, the director of finance shall forward such order to the treasurer, who shall thereafter pay the same on demand of the person in whose favor it was drawn.

(Code 1970, § 2-75)

Sec. 2-489. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-489. Former § 2-489 pertained to the required signatures on notes of indebtedness and derived from the Code of 1970.

Sec. 2-490. Treasurer to deliver note and deposit funds.

The treasurer of the city shall take any note for the indebtedness of the city, approved, signed and countersigned and deliver it to the person loaning money to the city. He/she shall deposit the money so borrowed into the treasury of the city.

(Code 1970, § 9-2; No. 26768-1, 2-13-02)

Sec. 2-491. Exceeding budgeted line items restricted.

All department heads and all others charged with expenditures under any appropriation, except as otherwise provided by law and section 10-4(a) of the City Charter shall not exceed any budgeted line item without prior approval therefore by the common council except as outlined in section 2-494 of the Code.

(Code 1970, § 2-34; Ord. of 4-75; No. 26768-2, 11-13-02)

Sec. 2-492. Public hearing on annual estimates.

Prior to the special meeting called for the purpose of adoption of the annual budget estimates submitted to it by the mayor, the common council shall hold a public hearing on such budget estimates, the notice for such hearing shall be circulated not less than once in a daily newspaper circulated in the city at the time or times that it publishes the annual budget estimates and noticed for public inspection at the city clerk's office, as well as being posted on the City of New Britain website, as required by subsection 10-3(e) of the City Charter.

(Code 1970, § 2-34; Ord. of 7-74; Ord. of 7-01; 28482-2, 5-5-05)

Sec. 2-493. Payment of claim withheld where debt due city.

In the event of a person to whom a bill or claim is due and payable from the city also shall himself/herself be indebted to the city, the director of finance shall transmit the order for payment of such bill or claim, and shall deliver such order to the collector of taxes who shall credit such payment against any taxes or related delinquency charges.

(Code 1970, § 2-35; Ord. of 2-92; No. 26768-1, 2-13-02)

Sec. 2-494. Special and supplemental appropriations.

- (a) General fund. If a special or supplemental appropriation in addition to or in excess of a departmental or individual budget made at the beginning or during the fiscal year is required, pursuant to City Charter section 10-4(c) the mayor shall submit a resolution to the common council identifying the need and source of monies necessary to meet such appropriation.
- (1) A funding resolution requiring an increase in estimated income and expenditures in any fund shall be approved by two-thirds vote of the common council.
 - (2) A transfer of monies external to a departmental budget, supplementing a department budget, shall be authorized by majority vote of the common council.
 - (3) The mayor shall be authorized to transfer monies within a departmental budget, amongst individual line items, upon written request of the petitioning department. The limit for any individual line item transfer under this subsection shall be limited to the individual and aggregate amount as scheduled from the grouping of the "Statement of Expenditures and Encumbrances Compared with Appropriations" from the annual audit. Any departmental line item budget transfer greater than these individual or aggregate amounts shall be subject to common council approval. Aggregate as used in section 2-494 is defined as the cumulative sum of all approved budget transfers occurring within a given fiscal year under a common source of authority.
 - a. Intra-departmental transfers executed within the authority of section 2-294(c) shall be reported to the common council at the next regularly scheduled meeting. The approved transfer must specify the reason for increasing the budget line item and cite the source and basis of the surplus account monies.

TABLE INSET:

	General Gov't	Public Safety	Parks & Recreation	Public Works	Health & Human Services	Water Department	All Other
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	General Gov't	Public Safety	Parks & Recreation	Public Works	Health & Human Services	Water Department	All Other
Individual	\$10,000	25,000	25,000	25,000	10,000	25,000	-0
Aggregate	\$15,000	50,000	50,000	50,000	15,000	50,000	-0

b. A budget line item previously identified as the source of surplus monies for transfer to a line item within a departmental budget may only be subsequently increased through resolution of the common council notwithstanding individual or aggregate limitations.

(b) Special revenue, capital equipment, capital nonrecurring and enterprise funds. If a special or supplemental appropriation in addition to or in excess of a departmental or individual budget made at the beginning or during the fiscal year is required, the mayor shall submit a resolution to the common council identifying the need and source of monies necessary to meet such appropriation.

(1) A funding resolution requiring an increase in estimated income and expenditures in any fund shall be approved by two-thirds vote of the common council.

(2) Transfer of monies for grant funded activities shall be in accordance with grant regulations with prior approval of the mayor excluding commission on community and neighborhood development (CCND) and board of education grant programs.

(3) The mayor shall be authorized to transfer monies within a departmental budget, amongst individual line items, upon written request of the petitioning department upon recommendation of the board or commission, if any, as scheduled in special revenue, capital equipment, capital nonrecurring and enterprise fund classification outlined herein. Any departmental line item budget transfer greater than these individual or aggregate amounts shall be subject to common council approval.

a. Intra-departmental transfers executed within the authority of section 2-494 shall be reported to the common council at the next regularly scheduled meeting. The approved transfer must specify the source of surplus monies increasing the budget line item and cite the basis of the surplus account monies.

TABLE INSET:

	City Special Revenue	Grants	Capital Equipment	Capital Nonrecurring	Enterprise
Individual	\$25,000	25,000	-0-	-0-	25,000
Aggregate	\$50,000	50,000	-0-	-0-	50,000

b. A budget line item previously identified as the source of surplus monies for transfer to a line item within a departmental budget may only be subsequently increased through resolution of the common council notwithstanding individual or aggregate limitations.

(Ord. of 7-01; No. 26868-1, 11-13-02; No. 27347-1, 2-26-03)

Secs. 2-495--2-500. Reserved.

DIVISION 2. DIRECTOR*

***Cross references:** City officers generally, § 2-231 et seq.

Sec. 2-501. Reserved.

Editor's note: Item No. 26822-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-501. Former § 2-501 pertained to appointment; deputy; bond and derived from the Code of 1970 and an ordinance adopted in July of 2001.

Sec. 2-502. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-502. Former § 2-502 pertained to qualifications and compensation and derived from the Code of 1970.

Sec. 2-503. Hiring of clerical help.

The director of finance may, with the prior approval of the council, employ such clerical assistance as he may require during each fiscal year.

(Code 1970, § 2-62)

Sec. 2-504. Duties.

In addition to the requirements that the director serves as secretary of the board of finance and taxation, the director shall have the following duties:

- (a) Budget. The director shall, unless otherwise determined by the mayor and subject to section 10-3 of the City Charter assist in the compilation of the annual budget and maintenance of the income and expenditures financial budgetary system excluding the water and education department budget.
- (b) He/she shall have general supervision of the affairs of the purchasing department and of the purchasing agent and other employees of the purchasing department.

(Code 1970, § 2-63; Ord. of 9-93, §§ 3, 4; Ord. of 7-01)

State law references: Duties of treasurer, G.S. § 7-80; annual budget meetings as affected by uniform fiscal year requisite, G.S. § 7-388; creation of municipal reserve fund, G.S. § 7-360; investment of city funds, G.S. § 7-400; deposit of public funds, G.S. §§ 4-33; 7-401, 7-402.

Secs. 2-505--2-510. Reserved.

DIVISION 3. CAPITAL EQUIPMENT RESERVE PROGRAM

Sec. 2-511. Established.

A capital equipment reserve program is hereby established.

(Code 1970, § 2-350A; Ord. of 11-78)

Sec. 2-512. Annual needs requests--Submission by department heads, etc.

- (a) Each December first any department head, board or commission or any other individual responsible for capital equipment needs shall submit a capital equipment needs request for a period of three (3) years commencing on the succeeding July first in a manner prescribed by the director of finance.
- (b) During each fiscal year, requests for expenditures will be submitted to the director of finance in a manner and on forms designed by the director for presentation to the capital equipment reserve committee.

(Code 1970, § 2-350A(1), (6); Ord. of 11-78)

Sec. 2-513. Compilation by director of finance.

The director of finance shall be responsible for compiling the needs requests submitted pursuant to section 2-512 for presentation to the capital equipment reserve committee at a meeting called for such purpose.

(Code 1970, § 2-350A(2); Ord. of 11-78; No. 26768-1, 2-13-02)

Sec. 2-514. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, adopted new provisions which replaced those set out in § 2-514. Former § 2-514 pertained to action by board of finance and taxation and council on capital equipment reserve committee's recommendation and derived from the Code of 1970 and an ordinance adopted in Nov. of 1978.

Sec. 2-515. Annual appropriation.

Monies appropriated will be credited to a separate capital equipment reserve fund. Such fund shall be a permanent fund to be used for the purposes herein set forth and for no other, and shall continue from year to year. Earnings from investments of such fund shall accumulate and accrue to the credit of the fund. Such earnings on investments will be available for appropriation by the common council for capital equipment purposes.

(Code 1970, § 2-350A(5); Ord. of 11-78; No. 26768-1, 2-13-02)

Sec. 2-516. Recommendations for amendments to fund guidelines.

The director of finance will be responsible for recommending amendments to the guidelines and procedures for the capital equipment reserve fund.

(Code 1970, § 2-350A(8); Ord. of 11-78; No. 26768-1, 2-13-02)

Secs. 2-517--2-522. Reserved.

DIVISION 4. RESERVED

Secs. 2-523--2-526. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted §§ 2-523--2-526. Former §§ 2-523--2-526 pertained to the budget monitoring committee and derived from ordinances adopted in May of 1988 and December of 1993.

Secs. 2-527--2-530. Reserved.

ARTICLE VIII. PURCHASING AND

SALES*

***Charter references:** Purchasing power generally, § 101; authority to establish central purchasing system, § 2361; appointment of agent, § 2362; council to provide by ordinance regulations for central system, § 2363; competitive bids required for public works contracts, § 2364.

DIVISION 1. GENERALLY

Sec. 2-531. Definitions.

As used in this article:

Contractual services shall mean all telephone, gas, water, electric light and power services; towel and cleaning service; leases for all grounds, buildings, office or other space required by the using agencies; and the rental, repair or maintenance of equipment, machinery and other city-owned personal property. The term shall not include professional and other contractual services which are in their nature unique and not subject to competition. Nor shall contractual services include those circumstances where the city is engaged in contracting for services in conjunction with other units of government in furtherance of a cooperative venture, including inter-local agreements with those units of government provided that a report shall be made to the common council.

Local bidder shall mean a bidder maintaining taxable business property in the form of real estate, personal property or combination thereof within the city.

Purchasing agent or agent shall mean the purchasing agent of the city.

Supplies shall mean all supplies, materials and equipment.

Using agency shall mean any department, agency, commission, bureau or other unit in

the city government using supplies or procuring contractual services as provided for in this article.

(Code 1970, § 2-125; Ord. of 8-85; No. 26768-1, 2-13-02)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 2-532. Estimates of future departmental needs.

- (a) *Using agencies to file requisitions.* All using agencies, either by or with the authorization of its head, shall file with the agent prior to purchase detailed requisitions or estimates of required supplies and contractual services in such a manner, as the agent shall prescribe.
- (b) *Agent may revise.* The agent shall examine each requisition or estimate and shall have the authority after consulting with the requisitioning department to revise it as to quantity, quality, or estimated cost; but revision as to quality shall be in accordance with the standards and specifications established pursuant to this article.
- (c) *Supplemental requests.* All using agencies may file supplemental requisitions or estimates for any additional supplies or contractual services with the agent, if such needs were not foreseen when the initial estimates were submitted.

(Code 1970, § 2-126; No. 26768-1, 2-13-02)

Sec. 2-533. Audit before purchase.

Except in case of emergency, the agent shall not issue any order for delivery on a contract or open market purchase until the director of finance shall have certified, after preaudit, that there is to the credit of the using agencies concerned a sufficient unencumbered appropriation balance, in excess of all unpaid obligations, to defray the amount of such order.

(Code 1970, § 2-127; No. 26768-1, 2-13-02)

Sec. 2-534. Approval required for assignment of contract.

No formal contracts as defined in section 2-553 shall be assigned or transferred without the written assent of the mayor, and the applicable department, board, commission, officer or officers in charge of the public improvement to which such contract relates.

(Code 1970, § 2-128; No. 26768-1, 2-13-02)

Sec. 2-535. Inspection and testing.

- (a) *By agent.* The agent shall inspect, or supervise the inspection of, all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract.
- (b) *By using agency.* The agent shall have the power to authorize using agencies, having the staff and facilities to conduct adequate inspections, to inspect all deliveries made to such using agencies under rules and regulations which the agent shall prescribe.

(Code 1970, § 2-134)

Sec. 2-536. Testing of samples submitted with bids.

The agent shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the agent shall have the authority to make use of laboratory facilities of any agency of the city government or of any outside laboratory.

(Code 1970, § 2-136)

Sec. 2-537. Standard forms and nomenclature.

The purchasing agent shall prescribe and maintain such forms as he shall find reasonably necessary to the operation of this article and shall prepare and adopt a standard purchasing nomenclature for using agencies and suppliers.

(Code 1970, § 2-137)

Sec. 2-538. Cooperative purchasing.

- (a) The agent shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the city would be served thereby.
- (b) The agent shall evaluate and execute combined purchases that best promote the economic interests of the city.

(Code 1970, § 2-138; Ord. of 12-74; Ord. of 7-01)

Sec. 2-539. Disqualification of certain bidders.

The purchasing agent shall have the authority to declare irresponsible any vendors who default on their quotations and to disqualify them from receiving any business from the city for a stated period of time.

(Code 1970, § 2-139)

Sec. 2-540. Petty expenditures revolving fund.

- (a) *Establishment.* There shall be a petty expenditures revolving fund to be used by all agencies of the city under the supervision of the purchasing agent. The amount to be kept in such fund shall be determined by the resolution of the council from time to time.
- (b) *Accounting.* The purchasing agent shall make a statement of all expenditures from this fund to the director of finance at the end of each month.
- (c) *Reimbursement.* The city treasurer shall reimburse the revolving fund in the same manner as expenditures of the using agency would generally be reimbursed.
- (d) *Rules and regulations.* The agent shall promulgate rules and regulations for the use of the petty expenditures revolving fund.

(Code 1970, § 2-140)

Sec. 2-541. Sole source, goods and services.

Competitive procurement may be suspended in the event the purchasing agent in consultation with the requisitioning department determines the goods or product is directly procured through the manufacturer with no intermediate vendors able to contract with the city. Circumstances precluding soliciting competitive pricing for services are limited by virtue of specialty and uniqueness demonstrated in writing satisfactory to the purchasing agent. Any such suspension along with the reasons, therefore shall be reported at the next regular meeting of the common council.

(No. 26768-1, 2-13-02)

Secs. 2-542--2-550. Reserved.

DIVISION 2. PURCHASING AGENT

Sec. 2-551. Position created; powers and duties generally.

Pursuant to the Charter of the City of New Britain, there shall be a city purchasing agent who shall have the powers and duties as are described in this article, and who, along with the staff of the purchasing department, shall be under the direct control and supervision of the director of finance.

(Code 1970, § 2-129; Ord. of 9-93, § 1; Ord. of 7-01)

Sec. 2-552. Appointment; qualifications.

- (a) *Appointment.* The agent shall be appointed by the mayor in accordance with the civil service regulations.
- (b) *Qualifications.* The agent shall have had prior to his appointment either:
 - (1) At least five (5) years experience in a purchasing office of a public or private corporation in an executive capacity, or,
 - (2) Graduated from a four-year college or university with a major in business administration and a minimum of two (2) years' experience as described in subparagraph (b)(1) of this section.

(Code 1970, § 2-130)

Sec. 2-553. To supervise all purchases.

- (a) *Make all purchases.* The agent shall purchase or contract for all supplies and contractual services needed by any using agency of the city except the consolidated school district, in accordance with such purchasing procedures prescribed by this article, and such rules and regulations as the agent shall adopt for the internal management and operation of the department of purchases and such other rules and regulations as shall be prescribed by the mayor and the council.

- (b) *Other purchases unauthorized.* The authority of the agent to negotiate all purchases for all using agencies shall not be abridged by any particular agency, with the exception of the consolidated school district.
- (c) *City not liable for purchases not made through agent.* Any purchase ordered or contract made contrary to the provisions of this section shall not be approved by the city officials, and the city shall not be bound thereby.

(Code 1970, § 2-131; No. 26768-1, 2-13-02)

Sec. 2-554. Specific duties and responsibilities.

- (a) *Make quality purchases.* The agent shall ensure that the highest quality of goods and services is achieved at the lowest possible cost to the city. To this end, the agent shall:
 - (1) *Foster competition.* Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.
 - (2) *Keep informed.* Keep abreast of current developments in purchasing, market conditions and new products and obtain for the benefit of the city the results of research relevant to his purchasing functions performed by other public or private agencies, societies, and trade associations.
 - (3) *Bulk rates.* Investigate thoroughly and secure the benefits of any discount available for bulk purchases where feasible.
 - (4) *Tax exemptions.* Cooperate with the departments and other agencies to secure for the city the maximum efficiency in budgeting and accounting, as well as obtaining for the city all federal tax exemptions to which it is entitled.
- (b) *Emergency procedure.* The purchasing agent shall prescribe rules and regulations under which emergency purchases by heads of using agencies may be made.

(Code 1970, § 2-132; Ord. of 7-01)

Sec. 2-555. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-555. Former § 2-555 pertained to annual reports and derived from the Code of 1970; and an ordinance adopted in September of 1993.

Secs. 2-556--2-565. Reserved.

DIVISION 3. PROCEDURE FOR FORMAL CONTRACT

Sec. 2-566. When contract required.

- (a) *Purchases over three thousand dollars (\$3,000.00).* All supplies and contractual services, except as otherwise provided in this article when the estimated cost thereof shall exceed three thousand dollars (\$3,000.00), shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting proposals.

- (b) *Sale over five thousand dollars (\$5,000.00).* All sales of personal property which has become obsolete or unusable when the estimated value shall exceed five thousand dollars (\$5,000.00) shall be sold by formal, written contract to the highest responsible bidder, after due notice inviting proposals.

(Code 1970, § 2-141; No. 26768-1, 2-13-02)

Sec. 2-567. Notice inviting bids.

- (a) *Newspapers.* Notice inviting bids shall be published once in at least one official newspaper in the city and at least five (5) days preceding the last day set for the receipt of proposals.
- (b) *City of New Britain website.* Notice inviting bids shall be posted on the City of New Britain website.
- (c) *Bidders' list.* The agent shall also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a "bidders' list" which the agent shall maintain, by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. The agent may remove from the list any prospective supplier that has failed to send a bid in response to the last two (2) solicitations sent by the agent.
- (d) *Other services.* Any other services deemed appropriate by the purchasing agent.
- (e) *Approval of change orders.* No change order shall be approved without competitive bidding unless it is within the scope of the work of the original project and the total amount of such change order does not exceed twenty-five (25) per cent of the original price.

(Code 1970, § 2-142; Ord. of 2-72; No. 26768-1, 2-13-02; Ord. No. 28482-2, 5-5-05)

Sec. 2-568. Scope of notice.

- (a) The notice required under the terms of this division shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.
- (b) Notice sent to the vendors on the bidders' list shall be limited to transactions for commodities that are similar in character and ordinarily handled by the trade group to which the notices are sent.

(Code 1970, § 2-143)

Sec. 2-569. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-569. Former § 2-569 pertained to bids over fifteen hundred dollars; affidavit required and derived from the Code of 1970.

Sec. 2-570. Bid deposits; discretionary with agent.

- (a) *Agent's discretion.* The purchasing agent may require a bid deposit where it is necessary for the protection of the interest of the city.
- (b) *Refund of deposit.* The agent shall return the security deposit of any unsuccessful bidder.
- (c) *Forfeit of deposit.* The deposit of a successful bidder shall be forfeited if he fails to enter into a contract within ten (10) days after the award.

(Code 1970, § 2-145)

Sec. 2-571. Sealed bids.

All bids submitted pursuant to the terms of this article shall be sealed and identified on the envelope as bids.

(Code 1970, § 2-145)

Sec. 2-572. Bid opening procedure.

- (a) *Opening.* Bids shall be opened in public at the time and place announced in the public notices required in this article.
- (b) *[Postponement due to closing.]* If City Hall shall be closed for weather or any other conditions, bid opening date shall be postponed until the same hour on the next day that City Hall is officially open for business.

(Code 1970, § 2-147; No. 26768-1, 2-13-02)

Sec. 2-573. Tie bids.

- (a) *Local vendors.* If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder.
- (b) *Foreign vendors.* Where all tie bidders or none of them are local bidders, the agent shall award the contract by drawing lots.

(Code 1970, § 2-148; No. 26768-1, 2-13-02)

Sec. 2-574. Rejection of bids when in public interest.

The agent shall have the authority to reject all bids, parts of all bids or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby.

(Code 1970, § 2-149)

Sec. 2-575. Rejection of bid where bidder is in default to city.

The agent shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the city, or of a contractor, a principal of which is in default on the payment of taxes, licenses or other monies due the city.

The agent shall include in the bid document a form to be executed by a bidder, certifying that said bidder is not in default on the payment of taxes, licenses or other monies due the city.

As used in this section, (1) a "principal" of a contractor shall mean an individual who is a director, an officer, an owner, a limited partner or a general partner; and, (2) "default in the payment of taxes" shall mean the failure to pay taxes by the date such taxes are due and payable or the failure to be current with respect to a delinquent taxes payment schedule as set forth in a written agreement with the tax collector.

(Code 1970, § 2-150; Ord. of 9-95; Ord. of 11-95)

Sec. 2-576. Award of contract.

The agent shall award contracts entered into under the terms of this division to the lowest responsible bidder.

(Code 1970, § 2-151)

Sec. 2-577. Award to other than lowest bidder; reasons must be stated.

When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the agent and filed in his records with the other documents relating to the award.

(Code 1970, § 2-152)

Sec. 2-578. Considerations used in determining lowest responsible bidder.

The purchasing agent shall consider the following in his determination of who is the lowest responsible bidder:

- (1) The ability, capacity and skill of the bidder to perform the contract or provide the service required.
- (2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
- (4) The quality of performance of previous contracts or services.
- (5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service, including, but not limited to, the provisions of subdivisions (4) or (5) of subsection (a) of section 2-580 of this Code of Ordinances.
- (6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services.
- (7) The quality, availability, and adaptability of the supplies, or contractual services to the particular use required.
- (8) The ability of the bidder to provide future maintenance and service for the subject

of the contract.

- (9) On all new concrete sidewalk and curb installations the purchasing agent shall call for bids on a total job basis and not on a yearly or item by item basis and the lowest bidder for the total job shall be recommended to the common council for its approval.
- (10) (a) For all purchases and contracts except construction and/or capital improvement projects the purchasing agent shall allow a ten (10) percent differential in favor of a city-based bidder and shall cause the bid document to specify the percentage of differential. Any city-based bidder which has submitted a bid shall be awarded the bid provided that such city-based bidder agrees to accept the award of the bid at the amount of the low bid. If more than one (1) city-based bidder submits a bid not more than ten (10) percent higher than the low bid and has agreed to accept the award of the bid at the amount of the low bid, the bidder who has submitted the lower/lowest bid shall be awarded the bid. For purposes of this subsection, a "city-based bidder" shall mean a business with a legal principal place of business located within the City of New Britain. A business shall not be considered a city-based bidder unless evidence satisfactory to the purchasing agent has been submitted with the bid to establish that said business has a bona fide principal place of business within the City of New Britain. Such evidence may include evidence of ownership of or a long-term lease of real estate within the city from which the principal place of business is legally operated or the payment of personal property taxes on the personal property of the business to the City of New Britain.
- (b) For construction projects and capital improvement projects the lowest responsible bidder shall be determined in the following order; unless otherwise prohibited by applicable state or federal legislation:
 - 1. For construction projects and capital improvement projects involving a total contract price of one million dollars (\$1,000,000.00) or less: Any city-based bidder that submitted a low bid not more than eight (8) percent higher than the lowest bid, provided such city-based bidder agrees to accept the award of the bid at the lowest bid amount. If more than one (1) city-based bidder has submitted bids not more than eight (8) percent higher than the lowest bid and has agreed to accept the award of the bid at the lowest bid amount, the lowest responsible bidder shall be the city-based bidder that submitted the lowest bid.
 - 2. For construction projects and capital improvement projects involving a total contract price of more than one million dollars (\$1,000,000.00) but less than five million dollars (\$5,000,000.00): Any city-based bidder that submitted a low bid not more than four (4) percent higher than the lowest bid, provided such city-based bidder agrees to accept the award of the bid at the lowest bid amount. If more than one (1) city-based bidder has submitted bids not more than four (4) percent higher than the lowest bid and has agreed to accept the award of the bid at the lowest bid amount, the lowest responsible bidder shall be the city-based bidder that submitted the lowest bid.

3. For construction projects and capital improvement projects involving a total contract price of over five million dollars (\$5,000,000.00): Any city-based bidder that submitted a low bid not more than two (2) percent higher than the lowest bid, provided such city-based bidder agrees to accept the award of the bid at the lowest bid amount. If more than one (1) city-based bidder has submitted bids not more than two (2) percent higher than the lowest bid and has agreed to accept the award of the bid at the lowest bid amount, the lowest responsible bidder shall be the city-based bidder that submitted the lowest bid.
- (c) For all purchases and contracts except construction and/or capital improvement projects the following procedure shall apply in a situation where no city-based bidder submits a bid or where a city-based bidder does not come within the ten (10) percent or chooses not to meet the lowest bid, however, there are bids submitted by companies based in Connecticut and other companies based outside Connecticut. In that event, the purchasing agent shall allow a five (5) percent differential in favor of the Connecticut-based bidder and shall cause the bid document to specify the percentage of differential. If more than one (1) Connecticut-based bidder submits a bid of not more than five (5) percent higher than the low bid and has agreed to accept the award of the bid at the amount of the low bid, the bidder who has submitted the lower/lowest bid shall be awarded the bid. For purposes of this subsection, a "Connecticut-based bidder" shall mean a business with a legal principal place of business located within the State of Connecticut. A business shall not be considered a Connecticut-based bidder unless evidence satisfactory to the purchasing agent has been submitted with the bid to establish that said business has a bona fide principal place of business within the State of Connecticut.
- (11) Any person in the business of constructing or repairing sidewalks must be in possession of a current valid city license before the opening of bids on a given construction project. Failure to possess a current, valid license at the time of bid opening will disqualify any person from being considered a responsible bidder on such a project.
- (12) The purchase agent shall be authorized in the purchase of firearms for public safety purposes to allow up to a six (6) per cent differential in favor of a bidder adopting the new gun safety and dealer responsibility standards provided that where application of such a differential to be allowed, the purchasing agent shall cause the bid document to specify the differential which will apply. On contracts for which such preferential is to apply in the purchase of firearms for public safety purposes, the company that has adopted the new gun safety and dealer responsibility standards which has submitted a bid shall be awarded the bid provided that such bidder agrees to accept the award of the bid at the amount of the low bid.

(Code 1970, § 2-153; Ord. of 7-75; Ord. of 9-80; Ord. of 12-81; Ord. of 4-91; Ord. of 5-93; Ord. of 7-00; Ord. of 3-01; Res. No. 29238-4, 10-11-06)

Sec. 2-579. Performance bond may be required.

The purchasing agent may require a performance bond as a condition before entering a contract in such amount as he shall find reasonably necessary to protect the city's interests.

(Code 1970, § 2-155)

Sec. 2-580. Contractual provisions concerning fair wages and employment of residents.

(a) *Contract provisions required pertaining to trades persons and laborers.* All contracts entered into between the city and contractors which utilize trades persons or laborers by the contractor in the performance of the contract shall incorporate the following provisions:

- (1) The contractor shall hire residents of the city to perform the necessary labor where possible.
- (2) In the event the contractor is restricted by labor contracts, or the required specific skills are not available in the city, the contractor may hire tradesmen and laborers who reside outside the city.
- (3) In contracts for new construction of any public works project where the total cost of all work to be performed by all contractors and subcontractors exceeds four hundred thousand dollars (\$400,000.00) and in contracts for remodeling, refinishing, refurbishing, rehabilitation, alteration or repair of any public works project where the total of all work to be performed by all contractors and subcontractors exceeds one hundred thousand dollars (\$100,000.00), all tradesmen and laborers hired to perform under the contract shall be paid at the prevailing rates for the same work in the same trade in the city and shall receive the fringe benefits normally offered at that time for the particular trade. "Prevailing rates" as used herein shall mean the latest rates published by the state labor department unless otherwise required to qualify for a federal grant pertaining to the contract.

As used herein, the term "contractor" shall include the general or prime contractor and shall include subcontractors performing work under the contract.

- (4) All workers furnishing the goods and services in connection with the construction shall be properly classified as employees rather than independent contractors, causing them to be treated accordingly for the purposes of pay, benefits, worker's compensation, insurance coverage, unemployment compensation coverage, social security taxes and income tax withholding.
- (5) In contracts where the total cost of all work to be performed exceeds one hundred thousand dollars (\$100,000.00) and in all cases wherein one or more apprentices are employed, the employer shall be affiliated with a state-certified apprenticeship program.
- (6) If a contractor signing a contract required under this subsection is found to have violated the provisions of this contract, it shall, if already paid by the city, reimburse to the city one per cent of the payment that would have otherwise

been owed by the city for every count of violation found. If a contractor signing a contract required under this subsection is found to have violated the provisions of the contract and it has not already been paid by the city, the city shall withhold from payment one per cent of the payment that would have otherwise been owed by the city for every count of violation found. For these purposes, each day of violation and each worker affected shall be deemed a separate count. Each construction contract entered into by the city shall recite that the contractor understands and agrees to the terms of this section.

- (7) As used herein, the term "contractor" shall include the general or prime contractor and shall include subcontractors performing work under the contract.

(b) *Contract compliance board; powers and duties.*

- (1) There shall be a board known as the contract compliance board. The board shall consist of five (5) electors of the city who shall be appointed by the mayor with the consent of the common council. Two (2) shall be members of the common council and three (3) shall be public members who shall not be officers or employees of the city. Two (2) of the three (3) members shall be members of an organized trade labor group whose members are primarily residents of the city. One public member shall be a person who is not a member of a trade labor group. The council members shall serve during their term of three (3) years commencing on December first of the year of appointment. After the initial appointments one shall be appointed each year for a three-year term. Every two (2) years at the first meeting after appointment of the council members, the members shall chose a chairman and a secretary who shall serve for two (2) years.
- (2) The board shall assure that the provisions of paragraph (1) of this section are complied with. Prior to commencement of performance, and at any time after commencement of performance of the contract by the contractor, the board may require submission of relevant documents and other relevant information related to the employment of tradesmen and laborers in performance of any specific contract with the city. The board shall submit to the mayor its requests for documents and other information and the mayor shall obtain such documents and other information from the contractor and transmit the same to the board. If the board determines that a contractor is not in compliance with paragraph (a) of this section it shall make a report of its findings to the mayor and common council with its recommendations as to whether corrective action should be required of the contractor, or whether the contract should be terminated.
- (3) If called by the contract compliance board, there will be a prebid conference with the city purchasing agent and architect of the project and/or, if applicable, the project engineer, to ensure that the regulations of the compliance board are included in the bid document.
- (4) Prior to the monthly meeting of contract compliance board, each contractor shall submit a copy of his monthly payroll and list of work force composition to the board and meet with the board, if called by the contract compliance board, for the purpose of checking that the payroll is in compliance with area prevailing wages or rates and that residents of the city are employed as tradesmen and laborers.
- (5) If the contract compliance board so decides, the apparent successful bidder and

his major subcontractors shall submit a list of key personnel prior to award of the contract and attend a preaward conference.

- (6) If the contract compliance board so decides, the apparent successful bidder and his major subcontractors shall submit a list of key personnel prior to award of the contract and attend a preaward conference.
- (7) The board shall hold a preconstruction conference with the designated contractor or subcontractor, at which time any contractor or subcontractor claiming to have key personnel must present a list of those key personnel.
- (8) If during construction there is a dispute between the board and the contractor or the subcontractor as to key personnel, there shall be a meeting to resolve said dispute with the board and the contractor or subcontractor.
- (9) It shall be the duty of the purchasing agent to report to the contract compliance board all contracts pertaining to tradesmen and laborers.

(Code 1970, § 2-156; Ord. of 4-78; Ord. of 1-79; Ord. of 4-79; Ord. of 6-95; Ord. of 3-01; No. 26768-1, 2-13-02)

Sec. 2-581. Subdivision of contract prohibited.

No contract or purchase shall be subdivided by the agent or any department head in order to circumvent or avoid the requirements of this division.

(Code 1970, § 2-157; No. 26768-1, 2-13-02)

Sec. 2-582. Nondiscrimination provisions.

Invitations to bid issued by the city, on behalf of boards and commissions seeking contractual services for the construction of capital improvements shall include provisions concerning the payment of prevailing wages, proper classification as employees rather than as independent contractors, participation in a state-certified apprenticeship program, non-discrimination, anti-kickback, and conflict of interest similar to the type found in federal invitations to bid.

(Code 1970, § 2-158; Ord. of 3-01)

Sec. 2-583. Legal review and approval of contracts.

No contract for goods or services to which the city or any of its boards, commissions, departments, agencies or officials is a party shall be executed until the same have been reviewed and approved by the corporation counsel with respect to form and legal substance. The city shall not be bound by any contract unless such contract has been reviewed and approved by the corporation counsel prior to its execution.

(Ord. of 11-94)

Sec. 2-584. Promotion of public arts.

- (a) For purposes of this section, the following terms have the following meanings:

City building means any building or facility owned or leased by the City of New Britain and open to the public or intended for such use, exclusive of any shed, warehouse, garage or building of a temporary nature.

City street means any street owned or otherwise controlled by the city, including, adjacent to said street, all light posts, utility posts, traffic signs, traffic signal lights and associated equipment, street signs, etc.

Commission means the New Britain Commission on the Arts.

Construction project means any construction, reconstruction, renovation or alteration to any city building, city street or city park, the value of which construction, reconstruction, renovation or alteration is more than five hundred thousand dollars (\$500,000.00).

Renovation does not include a project of which the principal purpose is the rehabilitation of:

- (1) Plumbing, heating, ventilating, air conditioning or electrical systems; or
- (2) Light posts, utility posts, traffic signs, traffic signal lights and associated equipment, street signs, etc.

Work of art means art work created by a professional artist, artisan or craftsperson which is to be in, on or located in the immediate vicinity of such construction project, including, but not limited to:

- (1) Paintings, including all media and both portable and permanently affixed works of art such as murals and frescoes;
 - (2) Sculpture, including bas-relief, high relief, mobile, fountain, kinetic, environmental, electronic, and in-the-round sculpture;
 - (3) Prints, calligraphy, clay, drawings, stained glass, mosaics, photographs, fiber and textiles, wood, metal, plastics and other materials or combinations of materials;
 - (4) Mixed media, including any combination of forms of media; or (5) architectural embellishment or functional art; provided that "work of art" as used in this section shall not include building architecture, landscape architecture or landscape gardening.
- (b) The board of finance and taxation and the common council, in the allocation of monies for any construction project, shall allocate for works of art, with respect to each such project and for the purposes of subsection (d) of this section, an amount from such monies not less than one per cent of the total estimated cost of such construction, reconstruction, repair or alteration; provided, that said required amount shall not be more than one hundred fifty thousand dollars (\$150,000.00) and shall be calculated exclusive of:
- (1) The cost of any land acquisition;
 - (2) Any nonconstruction costs;
 - (3) Any augmentations to such cost; and
 - (4) The amount of funding for such construction as is bound by rules or conditions that would preclude or prohibit the application of this section.

- (c) The New Britain Commission on the Arts is hereby established. The commission shall consist of four members to be appointed by the mayor with the advice and consent of the council and three (3) members named by the Greater New Britain Arts Alliance (provided that of the members named by the Greater New Britain Arts Alliance, no more than two (2) shall be members of the same political party). The term of each member shall be two (2) years. The commission shall, in addition to its duties and responsibilities under subsection (d) of this section:
- (1) Make recommendations to the mayor and common council regarding any work of art which is in the custody or control of the city, including the public site for the display of such art;
 - (2) When requested and subject to the availability of funds, to make funding recommendations to the mayor and common council on funding for local arts organizations and programs;
 - (3) Advise the mayor and common council, with regard to a proposed removal, relocation or alteration of any public arts project or work of art in the possession of the city, to ensure proper preservation and display;
 - (4) Work to ensure that works of art are properly integrated into the city building environments, especially in places open to the public; and
 - (5) Compile and update an inventory of valuable works of art in the possession of the city.
- (d) The commission shall be responsible for the selection of a work or works of art to be placed in, on or located in the immediate vicinity of a construction project using monies allocated pursuant to subsection (b) of this section. The commission shall be responsible for selection of the artist, artisan or craftsperson, review of any design or plan and examination of the completion and proper placement of such work of art. The city purchasing agent, in consultation with the commission, shall be responsible for the contractual arrangements with any such artist, artisan or craftsperson. The selection of contractors and the award of contracts under this section may be conducted contrary to normal city bidding procedures, provided that:
- (1) The total amount that is to be paid for said contract is fixed prior to any request for proposals;
 - (2) The city purchasing agent, with the approval of the commission, shall establish selection procedures that protect the city's interests with respect to the durability, maintenance costs and aesthetic quality of works of art, and especially guaranteeing that the works of art be located in public places with public visibility and impact and will have a significant lifetime;
 - (3) Such selection procedures shall provide for opportunities for members of the public and city staff to comment on prospective works of art; and
 - (4) The final selection of an artist or work of art shall be contingent upon the approval of the common council.

Each request for proposal issued pursuant to this section shall specify the artistic genre and general characteristics the commission chooses.

- (e) The common council or the commission, with the approval of the common council, shall have the power, should it determine that it is in the interest of the city, to:
 - (1) Place a work of art created with monies allocated pursuant to this section in a location other than the direct vicinity of the associated construction project; or
 - (2) To exempt a particular construction project from the terms of this section.

(Ord. of 1-01; Res. No. 29064-2, 5-24-06)

Secs. 2-585--2-590. Reserved.

DIVISION 4. SALE OR PURCHASE OF LOW VALUE AND OBSOLETE STOCKS

Sec. 2-591. Common sales and purchases--Dollar limitations.

All purchases of supplies and contractual services of less than an estimated value of three thousand dollars (\$3,000.00) and all sales of personal property which has become obsolete or unusable, of less than an estimated value of five thousand dollars (\$5,000.00) shall be made in open market, without newspaper advertisement and without following the procedure prescribed in sections 2-534 and 2-567 for the award of formal contracts.

(Code 1970, § 2-159; No. 26768-1, 2-13-02)

Sec. 2-592. Minimum number of bids.

All formal bids shall, wherever possible, be based on at least three (3) competitive bids, and shall be awarded to the lowest responsible bidder in accordance with the standards as set forth in section 2-534 and in sections 2-577 through 2-582.

(Code 1970, § 2-160; No. 26768-1, 2-13-02)

Sec. 2-593. Notice inviting bids.

For all formal bids the agent shall solicit bids:

- (1) By direct mail request to prospective vendors;
- (2) By newspaper advertisements;
- (3) By posting bids on the City of New Britain website; and
- (4) By any other source deemed appropriate by the purchasing agent.

(Code 1970, § 2-161; No. 26768-1, 2-13-02; Ord. No. 28482-2, 5-5-05)

Sec. 2-594. Same--Record of bids.

The agent shall keep a record of all open market purchases and sales and the bids submitted in competition thereon, and such records shall be open to public inspection.

(Code 1970, § 2-162)

Sec. 2-595. Competitive bidding required.

Unless otherwise specifically provided in this article, competitive bidding is required, whenever possible, in the following transactions:

- (1) All purchases and contracts for supplies;
- (2) All contracts for services; and,
- (3) All sales of personal property which is declared obsolete and unusable.

(Code 1970, § 2-163)

Sec. 2-596. Surplus stock; disposition.

- (a) *Report to agent.* All using agencies shall submit to the agent, at such times and in such form as he shall prescribe, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out or scrapped.
 - (1) *Transfer.* The agent shall have the authority to transfer surplus stock to other using agencies.
 - (2) *Sale.* The agent shall have the authority to sell all supplies which have become unsuitable for public use, or to exchange the same, or trade in the same, on new supplies.
- (b) *Competitive bidding.* Sales under this section shall be made to the highest responsible bidder and according to the standards established in sections 2-534 and 2-567 through 2-582, or in sections 2-592 through 2-595. All sales under this section in the amount of three thousand five hundred dollars (\$3,500.00) or more must be approved by the common council.

(Code 1970, § 2-164; Ord. of 5-81; No. 26768-1, 2-13-02)

Secs. 2-597--2-605. Reserved.

DIVISION 5. EMERGENCY PURCHASES

Sec. 2-606. By agent.

- (a) *Mayor to authorize purchase.* In case of an apparent emergency which requires the immediate purchase of supplies or contractual services, the mayor shall be empowered to authorize the agent to secure by open market procedures as herein set forth, at the lowest obtainable price, any supplies or contractual services regardless of the amount of the expenditures.
- (b) *Agent to make report to council.* A full report of the circumstances of an emergency purchase shall be filed by the agent with the council and shall be entered in the minutes of the council and shall be open to public inspection.

(Code 1970, § 2-165)

Sec. 2-607. By head of department.

- (a) *Department head may purchase directly.* In case of actual emergency, and with the consent of the agent, and the approval of the mayor, the head of any using agency may purchase directly any supplies or contractual services whose immediate procurement is essential to prevent delays in the work of the using agency which may vitally affect the life, health, or convenience of citizens.
- (b) *Department head to report to agent and council.* The head of such agency shall send to the agent a requisition and a copy of the delivery record together with a full written report of the circumstances of the emergency. The report shall be filed with the council as provided in section 2-606(b) of this division.
- (c) *Agent to prescribe emergency procedure.* The agent shall prescribe by rules and regulations the procedure under which emergency purchases by heads of using agencies shall be made.

(Code 1970, § 2-166)

Secs. 2-608--2-615. Reserved.

DIVISION 6. WAREHOUSING

Sec. 2-616. Agent responsible for centralized warehousing.

The agent shall establish a central warehouse and shall control and supervise all storerooms and warehouses under his jurisdiction.

(Code 1970, § 2-167)

Sec. 2-617. Agent's duty in central warehouse.

- (a) *Generally.* The central warehouse shall stock items which are commonly used by two (2) or more departments when the using departments do not have adequate storage facilities.
- (b) *Inventory records.* The agent shall maintain accurate and current inventory records of all materials, supplies or equipment located in storerooms and warehouses under his control.
- (c) *Agent to check utility.* The agent shall check regularly with the using department to verify that the supplies purchased and stocked are being used.
- (d) *Report of discontinuance.* If any department discontinues the use of any stock items the department head shall notify the agent immediately.
- (e) *One year's supply.* The agent shall not contract for more than a year's supply of any one item and shall exercise good judgment in forward buying in accordance with standard purchasing procedures.

(Code 1970, § 2-168)

Sec. 2-618. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-618. Former § 2-618 pertained to storerooms revolving fund and derived from the Code of 1970.

Sec. 2-619. Capital project.

Pursuant to section 1-4(b) of the Charter, "capital project" shall be further defined as follows:

- (a) Under section 1-4(b)(3), the purchase or acquisition of equipment for any public betterment or improvement when first erected or acquired which cost exceeds seven thousand five hundred dollars (\$7,500.00);
- (b) Under section 1-4(b)(4), major alterations and repairs to existing buildings, structures or equipment which cost exceeds twenty-five thousand dollars (\$25,000.00); and
- (c) Under section 1-4(b)(5), any lease which commits the city to more than one year of aggregate payments in the amount of twenty-five thousand dollars (\$25,000.00).

(Ord. of 7-01)

Secs. 2-620--2-624. Reserved.

DIVISION 7. LABOR STANDARDS IN CITY CONTRACTING AND PURCHASING

Sec. 2-625. Definitions.

For the purposes of this division, the following definitions shall apply:

- (a) *Building, property, equipment or maintenance services* includes any janitorial, cleaning, maintenance or related service.
- (b) *Contractor* means any provider of food, clerical, transportation, securing building, property, equipment or maintenance services whose rate of reimbursement or compensation is determined by a service contract with the city or any city agent, including:
 - (1) Building, property or equipment service companies;
 - (2) Management companies providing property management services;
 - (3) Companies providing food preparation or service, or both;
 - (4) Companies providing transportation services;
 - (5) Companies providing clerical services; and
 - (6) Companies providing security services.
- (c) *Effective wage* means, for a worker not paid on an hourly basis, his/her income from the

employer in question for the most recent full pay period divided by the number of hours he/she worked during that pay period.

- (d) *Employer* means any person, organization or other entity that uses or receives money from or through the city, and shall include the city.
- (e) *Food services* means the services of a contractor involving the regular provision of food at a city owned facility under a contract with the city. Only contracts of greater than twenty-five thousand dollars (\$25,000.00) may be considered "food service".
- (f) *Living wage* means the poverty guideline for a family of four most recently published by the U.S. Department of Health and Human Services, divided by one thousand seven hundred sixty-three (1,763). (This wage level allows a full-time worker to earn one hundred eighteen (118) per cent of the poverty guideline.)
- (g) *Local job agency* means any nonprofit organization based in or with an office in the City of New Britain which maintains a list of residents of the City of New Britain, who, within the three (3) months previous, have declared their need for employment.
- (h) *Lowest paid worker* means the employee of a contractor performing work under a service contract with the city who receives the lowest hourly pay of all the employees of said contractor doing work under said contract, considering both the wages of wage employees and the effective wages of nonwage employees.
- (i) The *lowest pay* means the wage or effective wage of the contractor's lowest paid worker.
- (j) *Pay period* means the period of time worked by an employee for which he/she is paid in a single paycheck.
- (k) *Paycheck* shall mean any regular disbursement of funds to an employee by an employer for work performed.
- (l) *Service contract* means a contract or agreement between a business and the city or any city agent for the provision of food, clerical, transportation, building, property, equipment or maintenance services by the business. Construction contracts shall not be deemed service contracts. Contracts for services to be performed for a duration of five (5) or fewer days or on an "as-needed" basis shall not be deemed service contracts.
- (m) *Worker or employee* means a natural person who performs services for an employer for whom the employer is required to withhold income taxes pursuant to the federal Internal Revenue Code.

(No. 26702-1, 10-24-01)

Sec. 2-626. Applicability.

Notwithstanding any other provision of this Code of Ordinances and in addition to the requirements of section 2-569 of said Code, no bid for an amount in excess of twenty-five thousand dollars (\$25,000.00) shall be accepted pursuant to division 3 of article VIII of chapter 2 of said Code without being accompanied by an affidavit, signed by the owner or an officer of the company under the pains and penalties of perjury, attesting that:

- (a) The company agrees that, should need arise for the company to hire workers within three months of the purchase in question for work to be performed within ten miles of the boundaries of New Britain, the company shall mail to each local

job agency a notice of the job opening(s) at least two (2) business days prior to the date that any final hiring decision is made. Each such notice shall include a description of the work to be performed, the pay and benefits to be paid for such work and the date(s), time(s), place(s) and manner by which one may apply for such employment, including any application form(s) that may be used. The company shall also agree to give first preference to hiring any person referred by a local job agency whose qualifications are at least equal to those of all other applicants. This shall not apply when an employer is hiring someone from within their current organization.

- (b) The contractor agrees to inform employees who might be eligible of their possible right to the federal Earned Income Credit ("EIC") under Section 32 of the Internal Revenue Code of 1954, 26 U.S.C. Section 32, and shall make available to employees forms informing them about the EIC and forms required to secure advance EIC payments from the employer.
- (c) The contractor agrees to be bound by the terms and penalties of this division, including, but not limited to any requirement that monies otherwise to be paid to the contractor be withheld by or returned to the city in the event a violation is found.

(No. 26702-1, 10-24-01)

Sec. 2-627. Requirements.

Notwithstanding any other provisions of this Code of Ordinances, all service contracts in excess of twenty-five thousand dollars (\$25,000.00) entered into by the city shall include:

- (a) A requirement that the contractor maintain the wage level or effective wage level of its lowest paid worker at no lower than the living wage at all times during the effective period of the service contract.
- (b) A requirement that the contractor agrees to inform employees who might be eligible of their possible right to the federal Earned Income Credit ("EIC") under Section 32 of the Internal Revenue Code of 1954, 26 U.S.C. Section 32, and shall make available to employees forms informing them about the EIC and forms required to secure advance EIC payments from the employer.
- (c) A requirement that, should need arise for the contractor to hire workers to carry out the terms of the contract in question or for any other activities to occur or commence during the period of the contract in question within ten (10) miles of the boundaries of New Britain, the contractor shall mail to each local job agency a notice of the job opening(s) at least two (2) business days prior to the date that any final hiring decision is made. Each such notice shall include a description of the work to be performed, the pay and benefits to be paid for such work and the date(s), time(s), place(s) and manner by which one may apply for such employment, including any application form(s) that may be used. The contractor shall also agree to give first preference to hiring any person referred by a local job agency whose qualifications are at least equal to those of all other applicants. This shall not apply when an employer is hiring someone from within their current organization.
- (d) A requirement that the contractor be bound by the terms and penalties of this

division, including, but not limited to any requirement that monies otherwise to be paid to the contractor be withheld by or returned to the city in the event a violation is found.

(No. 26702-1, 10-24-01)

Sec. 2-628. Keeping of records.

- (a) Each local job agency shall maintain a list which shall include the names, addresses, telephone numbers and job skills of persons declaring their need for employment and shall also note the last date each such person declared to the local job agency his or her need for employment. No name shall be maintained on such list for more than three (3) months after the last date the person seeking employment declared his or her need for employment.
- (b) The city purchasing agent shall keep an updated list of all nonprofit agencies opting to act as local job agencies, including their names, addresses and telephone numbers. This list shall be made available to any company required to utilize it to comply with the Code of Ordinances and to other business or organization seeking to hire workers.

(No. 26702-1, 10-24-01)

Secs. 2-629--2-699. Reserved.

ARTICLE IX. PERFORMANCE GUARANTEE

Sec. 2-700. Statement of purpose.

The purpose of this article is to establish a uniform policy and procedures to be used in connection with the providing of performance guarantees in all projects where such performance guarantees are required pursuant to ordinance or to regulations or where such performance guarantees are determined by the common council, the purchasing agent, or a city board or commission to be necessary in order to protect the interests of the city.

(Ord. of 8-94)

Sec. 2-701. Definitions.

The following definitions shall apply in the interpretation of this article.

Contractor shall mean any developer, permittee, vendor, whether an individual, partnership or corporation who undertakes any activity or project for which a performance guarantee is required by statute, ordinance, regulation or contract to secure performance of work in compliance with the standards, requirements or contract provisions applicable to such work.

Contractor bond fund shall mean a separate fund maintained by the city treasurer into which all cash, certified checks or bank checks delivered to the city to guarantee performance of work under a project are deposited.

Depositor shall mean any individual, partnership or corporation who has delivered cash, certified check or bank check to the city to guarantee performance of work under a project for

which a performance guarantee is required.

Performance guarantee shall mean cash, certified check, bank check, bank letter or credit or surety bond delivered to the city by a contractor to secure performance of work undertaken pursuant to a contract to which the city is a party, a permit issued by the city, or an approved plan for development or subdivision of property within the city.

Project shall mean any activity or work undertaken pursuant to a contract to which the city is a party, a permit issued by the city, or development or subdivision of property within the city.

(Ord. of 8-94)

Sec. 2-702. When performance guarantee required.

Performance guarantees shall be required in connection with all projects for which Code of Ordinances and/or any duly promulgated regulation requires the posting of a performance guarantee by the contractor, developer, or permittee, including but not limited to the following:

- (1) *Private development, including subdivisions and site development.* The minimum amount of the performance guarantee shall be not less than the cost of constructing, installing, planting, etc. all improvements required in connection with an approved plan as determined by estimates prepared by the department(s) approving such plan with the assistance of the city engineer, or as established by statute, ordinance or regulation.
- (2) *Street openings, driveways, curb and sidewalk construction and repair.* The minimum amount of the performance guarantee shall be established by the board of public works and shall not be less than the amount determined by said board to be sufficient to indemnify the city against any loss or expense for any claim arising or resulting from the work performed and against any loss or expense in repairing, correcting or replacing work not performed to acceptable city standards.
- (3) *Drainage permits.* The minimum amount of the performance guarantee shall be in an amount deemed sufficient by the board of public works to indemnify the city against any claims which may arise out of or result from work performed.
- (4) *Contracts for goods and services.* A performance guarantee shall be required for all contracts for goods or services entered into by the city where the contract price is fifty thousand dollars (\$50,000.00) or more. The minimum performance guarantee shall be an amount determined by the purchasing agent on consultation to the procuring department to be sufficient to protect the interests of the city. A performance guarantee shall be required for contracts of less than fifty thousand dollars (\$50,000.00) when the purchasing agent, in consultation with the procuring department head, deems it necessary in order to protect the interests of the city or as required by statute, ordinance or regulation.
- (5) *Personal service contracts.* Performance guarantee for personal service contracts shall be determined on a case by case basis and shall be required when the department securing such services deems it necessary in order to protect the interests of the city. When performance guarantees are required, the terms of such guarantees shall be incorporated in the contract document.

executed by the city.

(Ord. of 8-94)

Sec. 2-703. Acceptable form of performance guarantee; criteria for acceptance.

Where performance guarantees are required, only one of the following is acceptable:

- (1) Cash or certified check or bank check payable to the order of the city.
- (2) Irrevocable bank letter of credit. Letters of credit will be acceptable only if the contractor/developer has provided information acceptable to the city concerning the financial stability of the individual or company providing the letter of credit and the financial stability of the bank issuing the letter of credit. The city reserves the right to refuse to accept a letter of credit as a performance guarantee if, in its opinion, either the individual, company or bank does not demonstrate sufficient financial stability. Any letter of credit provided as performance guarantee shall include a provision that such letter of credit shall be automatically renewed by the issuing bank upon its expiration date.
- (3) A surety bond issued by an insurance company licensed to do business in the State of Connecticut and which is covered by the Connecticut Insurance Guaranty Association. The company issuing the bond shall have a Best's rating of no less than A:VII or otherwise be deemed acceptable by the finance department of the city.

The corporation counsel of the city, or his/her designee, shall review all performance guarantee instruments for acceptability as to form and content. Copies of all performance guarantee instruments shall be retained by the purchasing agent. All originals of performance guarantee instruments shall be transmitted to the office of the city treasurer and maintained therein.

(Ord. of 8-94)

Sec. 2-704. Procedures for monitoring performance.

The department of the city responsible for administering the project shall monitor the work performed to determine if the performance guarantees shall be modified, called prior to expiration or released. Thorough documentation of work to be performed and work performed shall be maintained by the department administering the project. No performance guarantee shall be released until a determination has been made by the department administering the project that the work to be performed has been completed or partially completed so as to warrant a release or partial release of the performance guarantee and written authorization has been forwarded to the city treasurer for the release or partial release of the performance guarantee.

(Ord. of 8-94)

Sec. 2-705. Contractor bond fund.

All cash, certified or bank checks delivered to the city as performance guarantees shall be deposited by the city treasurer in a separate account designated as the contractor bond

fund.

(Ord. of 8-94)

Sec. 2-706. Interest for cash performance guarantee.

The city shall pay interest with respect to cash deposits it holds for performance guarantee for a period of six (6) months or longer according to the following schedule:

TABLE INSET:

Amount of Deposit	Interest Income Participation
\$ 0 to \$ 5,000	None
\$ 5,001 to \$10,000	50% city/50% depositor
\$10,001 to \$50,000	40% city/60% depositor
\$50,001 and over	30% city/70% depositor

The finance department shall be responsible for maintaining records of interests accrued on cash deposits and shall issue to the depositor a 1099-INT statement for all calendar years ending December 31.

(Ord. of 8-94)

Secs. 2-707--2-749. Reserved.

ARTICLE X. DEPARTMENT OF MUNICIPAL DEVELOPMENT

Sec. 2-750. Establishment; purpose.

There is hereby established a department of municipal development in the city.

The purpose and intent of this article is to effectuate the reorganization and consolidation of the department of municipal development and the office of community and neighborhood development in order to enable a comprehensive approach to municipal development in the city and to more effectively and efficiently utilize limited financial resources in order to achieve an improved level of service delivery.

(Ord. of 6-98; Ord. of 7-01)

Sec. 2-751. Director of municipal development.

There shall be a director of municipal development who shall not be a member of the classified service.

Said director of municipal development shall be the administrative head of the department, shall direct its affairs and shall be directly responsible to the mayor.

(Ord. of 6-98; Ord. of 7-01)

Sec. 2-752. Appointment of personnel.

The director of municipal development shall have the power to appoint employees, technical experts and such other officers and agents, permanent and temporary, as it requires, subject to the provisions of the Charter.

(Ord. of 6-98; Ord. of 7-01)

Sec. 2-753. Role of city plan commission.

Notwithstanding the provisions of this article, the city plan commission shall have all the powers and responsibilities currently vested in it under the charter except the power to appoint employees, technical experts and such other officers and agents, permanent and temporary.

(Ord. of 6-98)

Sec. 2-754. Role of the commission on community and neighborhood development.

Notwithstanding the provisions of this article, the commission on community and neighborhood development shall have all the powers and responsibilities currently vested in it under executive order 90-1 except the power to appoint employees, technical experts and such other officers and agents, permanent and temporary.

(Ord. of 6-98)

Sec. 2-755. Duties and responsibilities.

The department of municipal development shall have all duties and responsibilities as now constitute the duties and responsibilities of the city plan department and the office of community and neighborhood development. In addition, the department shall have responsibility for development and implementing an economic development strategy including, but not limited to, business retention, business recruitment, marketing and promotional activities.

(Ord. of 6-98)

Secs. 2-756--2-759. Reserved.

ARTICLE XI. DEPARTMENT OF PUBLIC WORKS: DIVISION OF PROJECT MANAGEMENT AND CONSTRUCTION

Sec. 2-760. Establishment; purpose.

There is hereby established a division of project management and construction within the department of public works.

The purpose and intent of this article is to effectuate the consolidation of the engineering function within the department of public works in order to improve accountability and coordination for construction inspection and management and to more effectively and efficiently utilize limited financial resources.

(Ord. of 6-98; Ord. of 7-01)

Sec. 2-761. Duties and responsibilities.

The division of project management and construction shall, under the general direction and supervision of the director of public works, carry out the engineering functions of the city, including but not limited to, surveying, mapping, design, inspection, project management, technical consulting, engineering review and maintenance of the city's mapping data base.

(Ord. of 6-98)

Sec. 2-762. Services provided to the board of water commissioners.

The division of project management and construction shall charge to the board of water commissioners the cost of all engineering and other services rendered to said board, including the costs of personnel services. Such charges shall be made quarterly by the director of finance in accordance with generally accepted accounting practices.

(Ord. of 6-98)

Secs. 2-763--2-765. Reserved.

Sec. 2-766. Parking authority.

The common council may, by ordinance, create and establish a parking authority and vest in such parking authority any or all of the powers of a municipal parking authority set forth in chapter 100 of the Connecticut General Statutes, or any amendments thereto. In addition, the common council may, by such ordinance, authorize said parking authority to collect and receive all or any part of the revenue from off-street parking lots, parking garages or other parking facilities in a segregated account separate from the general fund. The revenue from such lots, garages, facilities and fines for parking violations shall be used by the parking authority for the regulation and control of off-street parking facilities, for acquiring, operating and maintaining off-street parking facilities and to fulfill pledges made for the payment of bonds issued to finance off-street parking facilities.

(Ord. of 7-01)

ARTICLE XII. PARKING, GARAGES AND BUILDINGS**Sec. 2-767. Department of property management.**

There shall be a department of property management with two (2) divisions:

- (1) Facilities and outside grounds; and
- (2) Parking division.

(Ord. of 7-01)

Sec. 2-768. Department head.

The head of the department shall be the facilities superintendent. The facilities

superintendent shall be responsible for the efficiency, discipline and good conduct of the department.

(Ord. of 7-01)

Sec. 2-769. Duties of the facilities and outside grounds division.

The facilities and outside grounds division shall have the following duties and responsibilities:

- (a) Control, development, security operation and management of properties owned by the City of New Britain including parking garages and off-street parking lots with the exception of properties under the control of the fire department, water department, public works department, parks and recreation department and Fairview Cemetery;
- (b) Repairs, alterations and improvements of the properties described in subsection (a) above;
- (c) Accounting to the city treasurer for all money received or disbursed by it in such manner as the ordinance of the city shall direct, until such properties, in the opinion of the mayor, shall be ready to be turned over to the board of finance and taxation of said city;
- (d) Repair, alter and improve all public buildings as may be necessary and proper to make the same useful and convenient as city buildings and city purposes;
- (e) Recommend to common council the sale of any portion of property, under its control, which shall not be required for public use, and the revenue arising from the sale or rent of any such property shall be collected and paid over to the city treasurer.

(Ord. of 7-01)

Sec. 2-770. Sale of property.

The department of property management may recommend to the mayor, subject to approval by the common council, the sale of any portion of any city property which shall not be required for public use and the revenue arising from any such sale shall be collected and paid to the city treasurer.

(Ord. of 7-01)

Sec. 2-771. Lease and rental of space in municipal buildings.

- (a) The department of property management shall be responsible for leasing and rental of all tenant space in municipal buildings.
- (b) The department of property management shall charge a rent on a square foot basis in accordance with the fair market value for equivalent rental property in the City of New Britain. All revenue from any such rental shall be collected and paid to the city treasurer.
- (c) This section shall apply to all space in municipal buildings occupied by a noncity agency and/or department and to any agency and/or department receiving funding from an

outside source, a component of which is applied to rent.

(d) This section shall be implemented on July 1, 2004.

(Ord. No. 27563-2, 10-22-03; Ord. No. 28623-2, 6-17-05)

Secs. 2-772--2-780. Reserved.

ARTICLE XIII. DEPARTMENT OF LICENSES, PERMITS AND INSPECTIONS

Sec. 2-781. Department.

There shall be a department of licenses, permits and inspections. The department shall perform functions and have powers and duties as imposed by the General Statutes, Special Acts, the Charter and Ordinance to preserve and promote of the public and building safety of this municipality. The department shall consist of three (3) divisions:

- (1) Building code enforcement division;
- (2) Zoning enforcement division; and
- (3) Housing code enforcement division.

(Ord. of 7-01; No. 26986-1, 6-12-02)

Sec. 2-782. Department head.

- (a) The head of the department shall be the director of permits, licenses and inspections. The director shall be the chief building official for the city to administer the State Building Code and State Demolition Code and he, or his duly appointed deputy should be the zoning enforcement officer. The director shall be responsible for the efficiency, discipline and good conduct of the department.
- (b) Qualifications of the director must be established pursuant to section 8-2(e) of the Charter.

(Ord. of 7-01)

Sec. 2-783. Duties of the department.

The department shall have the responsibility for the enforcement of all laws, codes, including the housing code, regulations and ordinances governing land use, the construction, alteration, or repair of, or the making of additions to buildings, or other structures including all electrical, mechanical, plumbing, heating, and air-conditioning installations therein.

(Ord. of 7-01)

Sec. 2-784. The building division.

The building code enforcement division shall have the responsibility for the administration of the State Building Code and State Demolition Code, enforcement of laws,

regulations and ordinances governing any construction, alteration, additions or repair of the buildings, including all electrical, mechanical, plumbing, heating, sprinkler system and air-conditioning installations therein.

The building division shall be responsible for accepting building permits applications for any construction activity in a municipality that requires a building permit, performing plans review, issuing building permits, conducting related inspections and issuing certificates of occupancy for all work related to construction projects.

(No. 26986-1, 6-12-02)

Sec. 2-785. The zoning enforcement division.

The zoning enforcement division shall have the responsibility for the enforcement of laws, regulations and city ordinances governing land use to promote zoning compliance.

The zoning enforcement division shall be responsible for the application process including site plan review, monitoring zoning compliance as developments are constructed, respond effectively to violation complaints, issuing zoning permits/certificate of zoning compliance, providing information to the public and the zoning board of appeals.

(No. 26986-1, 6-12-02)

Sec. 2-786. The housing code enforcement division.

The housing enforcement division shall have the responsibility for the enforcement of state laws related to abatement of nuisance in tenement houses; administer city ordinance anti-blight and minimum housing code provisions, and any regulations related to purpose to protect, preserve and promote safety, health and social well-being of residents of this municipality.

The housing enforcement division shall respond effectively to violation complaints and apply provisions of those regulations uniformly to the new construction or existing building, maintenance, use and occupancy of every portion of the building or its premises to promote compliance.

(No. 26986-1, 6-12-02)

Secs. 2-787--2-800. Reserved.

ARTICLE XIV. CIVIL SERVICE COMMISSION*

***Editor's note:** An ordinance adopted July 2, 2001, enacted provisions designated §§ 2-774--2-807. For purposes of clarity and at the editor's discretion these provisions have been redesignated and included as §§ 2-801--2-880.

Sec. 2-801. Establishment; composition.

There shall be a civil service commission. The commission shall consist of five (5)

members of whom not more than three (3) shall be members of the same political party. Any vacancy shall be filled by the mayor for the unexpired portion of the term. One (1) member of the commission shall be a member of the classified service of said city, but such member of the classified service of said city, but such member of the classified service who receives the largest number of votes by members of such service at an election held every two (2) years at a time fixed by the mayor shall be appointed to serve for two (2) years.

Each December, the commission shall choose its chairperson who shall serve for a term of one (1) calendar year.

Each December, the commission shall choose its chairperson who shall serve for a term of one (1) calendar year.

(Ord. of 7-01; No. 26897-1, 12-11-02)

Secs. 2-802--2-810. Reserved.

ARTICLE XV. PERSONNEL DEPARTMENT

DIVISION 1. IN GENERAL

Sec. 2-811. Department.

There shall be a personnel department.

(Ord. of 7-01)

Sec. 2-812. Department head.

The head of the personnel department shall be the personnel director. The personnel director shall be responsible for the efficiency, discipline and good conduct of the department.

(Ord. of 7-01)

Sec. 2-813. Salary of certain department heads.

The salary of the personnel director, fire chief, deputy or assistant fire chief, police chief, deputy or assistant police chief and the finance director shall be approved by the common council in each fiscal year's budget ordinance, as part of the non-union management pay plan.

(Ord. of 7-01)

Sec. 2-814. Classification.

Any office or position in the city service, full time or part-time, not otherwise exempted as "unclassified" shall be a position in the "classified" service and shall be subject to the merit system of appointment and promotion on the basis of merit and fitness as determined by an open competitive examination. The term "city service" as used herein includes employees not otherwise exempted from the classified service, as provided in section 2-815.

(Ord. of 7-01; No. 27356-2, 2-26-03)

Sec. 2-815. Offices and positions in the city service.

Offices and positions in the city service, full time or part-time, designated as "unclassified" positions and exempt from the classified service, are as follows:

- (a) Office of mayor and elected officials;
- (b) Offices held by appointed members of boards and commissions;
- (c) Staff of the mayor;
- (d) Corporation counsel, deputy registrars of voters;
- (e) Positions of clerk or secretary engaged intermittently by a temporary board, commission, or committee;
- (f) Such other positions, recommended by the mayor and/or common council and approved by the civil service commission, as being of a highly specialized, technical or professional nature, the length of employment or character of which service may not warrant the effort or expense of selection by competitive examination or be adaptable to a merit system.

(Ord. of 7-01)

Sec. 2-816. Contract positions and positions funded through grants.

Positions funded on a contractual basis, and positions created and funded under grants from the state or federal government, shall be designated by the civil service commission as "classified" or "unclassified" positions upon being established. The personnel director and the civil service commission shall be consulted for purposes of developing job specifications and titles.

(Ord. of 7-01)

Sec. 2-817. Recruitment.

Every reasonable effort shall be made to publicize employment opportunities within the service so that interested and qualified persons are attracted to compete. Announcements shall be posted in appropriate places throughout the city, including the department concerned, and copies shall be sent to the communications media and to such other organizations and individuals as the civil service commission may deem appropriate, in accordance with the established affirmative action plan. Examination announcements and notices shall contain all pertinent information about the positions to be filled.

(Ord. of 7-01)

Secs. 2-818--2-820. Reserved.

DIVISION 2. EXAMINATION, REJECTION OF CANDIDATES**Sec. 2-821. Administration of examinations.**

The personnel director, by his/her own initiative, or upon request of the proper authority, may arrange to hold tests for various entry level positions in the classified service. Such tests shall be public, competitive, and open to all persons who may be lawfully appointed to any position within the class for which examinations are held, with qualifications specified in the rules of the commission as to residence, health, moral character, and prerequisite and other bona fide occupational qualifications as necessary to perform the essential duties and functions of such position. The examination shall be administered by the personnel director, may be purchased from an outside source, and shall be under the supervision of the personnel director.

(Ord. of 7-01)

Sec. 2-822. Veterans' preference.

Any war veteran, if he or she is not eligible for compensation or pension from the United States through its Veterans' Administration for a service-connected disability, and he or she has attained at least the minimum earned rating on an original entry examination held for the purpose of establishing an appointment list, shall have five (5) points added to his or her final grade.

Any veteran with service-connected disabilities, if he or she has attained at least the minimum earned rating on any such entry level examination, shall have ten (10) points added to his or her final grade.

(Ord. of 7-01)

Sec. 2-823. Examinations.

Open-competitive examinations shall be administered by the personnel director or by a competent outside agency.

All tests shall be practical and appropriate and shall consist only of subjects which will fairly determine the capacity of the persons examined to perform the essential duties of the position, and may include tests of physical and psychological fitness or of manual skill. Any oral portion of the test shall be conducted by persons qualified in the relevant field. Efficiency in service shall be considered in connection with tests for promotion. No credit shall be allowed for service rendered under a provisional or emergency appointment.

Failure of the candidate appointed to a department head position to take up permanent residence in New Britain within one (1) year after the conclusion of the probationary period, shall result in immediate termination of employment.

(Ord. of 7-01; No. 26704-1, 10-24-01; Ord. No. 27781-1, 1-14-04)

Sec. 2-824. Oral examinations.

All panels administering oral examinations under this chapter shall be composed of not less than three (3) persons who shall be chosen for their knowledge of an experience with the position or class of positions to be filled and such examinations shall relate to the job responsibility and the knowledge, skills and abilities related thereto. For purposes of grading the tests, a minimum of two (2) panel members will rate each candidate.

(Ord. of 7-01)

Sec. 2-825. Rejection of applicants to examinations.

The personnel director may reject an applicant for admission to a test for the purpose of establishing an employment list for competitive positions in the classified service, or refuse to certify the name of an eligible candidate for such service who has been found to lack any of the established qualifications for the position to which appointment is being sought; or who has been dismissed from public service for delinquency, incompetency, misconduct or neglect of duty; or who has made a false statement of any material fact or practiced or attempted to practice any deception or fraud in completing an application, test, or in securing eligibility for appointment.

The applicant shall be given written notice of such rejection by the personnel director which notice shall state the reason for rejection.

(Ord. of 7-01)

Secs. 2-826--2-830. Reserved.

DIVISION 3. CERTIFICATION, PROBATIONARY AND PROVISIONAL APPOINTMENTS AND APPOINTMENTS

Sec. 2-831. Certification.

When a position in the classified service is vacant, other than those positions referenced in sections 2-833 and 2-838, and is to be filled by a competitive examination, the appointing authority shall requisition from the civil service commission a list of persons eligible and willing to accept appointments thereto. The commission shall certify the five (5) highest names from the appropriate employment list and the next three (3) highest names of individuals who are domiciled in the city of New Britain, if such sufficient names exist.

"Domiciled" is defined to be "that place where an individual has his/her true, fixed and permanent home and which constitutes his/her primary residence and to which whenever the individual is absent he/she has the intention of returning". To be certified as an individual domiciled in the city of New Britain, an applicant shall have filed proof of domicile at the time of filing of his/her application for employment. If there is no complete list, then a list of the person(s) eligible shall be certified.

The appointing authority shall forthwith appoint one of those whose names have been certified.

(Ord. of 7-01; Ord. No. 27781-1, 1-14-04)

Sec. 2-832. Probationary appointments.

All persons appointed or promoted to positions in the classified service shall be required to serve a probationary period of not less than three (3) months nor more than fourteen (14) months, as stipulated in the job specifications, or by bargaining unit agreement with the city.

Unsatisfactory performance in initial employment positions shall be grounds for dismissal by the appointing authority during the probationary period.

(Ord. of 7-01)

Sec. 2-833. Rule of five plus three.

In the filling of a vacancy from an open competitive employment list which has not been excluded by the Civil Service Commission as re-employment, initial entry, noncompetitive, internal posting, rule of the list, or lay-off list, the names certified to the appointing authority shall be those of the five (5) persons standing highest on the certified employment list plus the next three (3) highest ranked names of individuals who are domiciled in the City of New Britain, if available.

If fewer than five (5) candidates pass an examination, an appointment may be made from the pool of those who have passed, or, at the discretion of the personnel director, the position may be readvertized.

(No. 26823-1, 2-23-02)

Sec. 2-834. Internal postings.

- (a) When an existing job is posted internally, only permanent full-time employees may apply. This internal posting process does not preclude the City of New Britain from simultaneously, or otherwise, allowing applicants from outside the City of New Britain's employ to apply utilizing the open competitive requirements/process.
- (b) Any new job established by or for any city department shall utilize the open competitive requirement/process.

(No. 26823-1, 2-23-02)

Sec. 2-835. Re-employment lists.

The re-employment list will be composed of the names of individuals who voluntarily left City of New Britain service, or who elected a voluntary demotion, in good standing, having been formally appointed to a full-time position within the classified or unclassified service. Individuals may be appointed from this list to their formerly held position, or to a position for which they meet the minimum qualifications. Names remain on the list for a period not to exceed two (2) years from the date of resignation.

(No. 26823-1, 2-23-02)

Sec. 2-836. Lay off lists.

Formerly called "re-employment lists". These lists are composed of the names of individuals who have been laid off. The list is maintained by classification. An eligible individual would be removed from this list two (2) years after the date of lay-off.

(No. 26823-1, 2-23-02)

Sec. 2-837. Limitations.

The City of New Britain reserves the right to limit the number of qualified candidates

invited to participate in any phase of the selection process. The number of candidates invited to any phase of the process is at the sole discretion of the personnel director.

(No. 26823-1, 2-23-02)

Sec. 2-838. Rule of the list.

The "rule of the list" will be applied to all entry level tests for the following positions: police officer, firefighter, groundskeeper, general laborer, cashier clerk, security guard, bus driver, maintainer (parks and cemetery), police matron, jailer, water utility worker, administrative clerk 1 and accounting clerk 1. Names of all eligible candidates on the open competitive employment list will be forwarded to the appointing authority for employment consideration. Test information will be one (1) component in the evaluation process, which may also include a review of the candidate's experience and training, personal interview, site visit, observation, references, and any other pertinent information.

(No. 27356-2, 2-26-03)

Secs. 2-839--2-840. Reserved.

DIVISION 4. TERMINATION OF SERVICE

Sec. 2-841. Discharge or removal; appeals.

No person holding, by final appointment, an office or position classified and graded under the provisions of this act shall be removed, discharged, or demoted, except for just cause; nor shall marriage or the greater financial need of others eligible for appointment or promotion be just cause for removal, discharge, or demotion in rank. A person removed, discharged, or demoted shall be furnished by the department head with written notice, by certified mail, with reasons in writing for such action.

Secs. 2-842--2-850. Reserved.

DIVISION 5. PROHIBITION AND PENALTIES

Sec. 2-851. Prohibited practices.

No person shall deceive or obstruct any applicant in respect to his or her right of test under the provisions of this chapter or falsely make, grade, or estimate or report upon the test or standing of any person tested hereunder, or aid in so doing, or furnish to any person, except in answer to inquiries of the commission, any special information for the purpose of either improving or injuring the rating of any such applicant for appointment, employment or for the purpose of improving his or her chances or prospect for appointment or promotion. No applicant shall make any misrepresentation or false statements whether under oath or not to the commission for purpose of improving his or her chances or prospect for appointment or promotion. No person shall solicit, orally or by letter, and no applicant or employee shall receive or solicit or be in any manner concerned in the receiving or soliciting of, any money or valuable thing from any official or any employee holding a position in the classified service for any

political party or purpose. No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, promotion or proposed promotion, or any advantage in a position in the career service. No person shall use his or her official authority to directly or indirectly compel, order, or require a city employee to secure for any person, any appointment, to any position in the classified service or to act in violation of this chapter or regulations thereunder with respect to appointment and promotion. No person shall, by means of threats or coercion, induce or attempt to induce any person holding a position in the classified service to resign his position or to take a leave of absence from duty or to waive any of his or her rights under this chapter. A resignation executed previous to appointment shall be of no effect.

(Ord. of 7-01)

Sec. 2-852. Penalties.

Any person who shall, willfully, or through culpable negligence, violate any of the provisions of this chapter, or of the rules of the commission, shall be fined not less than two thousand dollars (\$2,000.00) nor more than five thousand dollars (\$5,000.00) and may for a period of five (5) years be ineligible for appointment to or employment in a position in the service, and may be terminated from his or her office or position.

(Ord. of 7-01)

Secs. 2-853--2-860. Reserved.

DIVISION 6. REPORTS

Sec. 2-861. Report to mayor.

The personnel director shall report annually to the mayor concerning the administrative needs of the service, the personnel and positions in the service, and the compensation provided therefore, the examinations held, the appointments made, service ratings and removals in the civil service, the operation of the rules of the commission and its recommendations for promoting efficiency and economy in the service, with details of expenditure and progress of work. The mayor may require a report from the personnel director at any time respecting any matter within the scope of his/her duties hereunder.

(Ord. of 7-01)

Sec. 2-862. Collective bargaining agreement.

No provision of any collective bargaining agreement in effect at the time of adoption of this chapter shall be superseded by any provision herein.

(Ord. of 7-01)

Secs. 2-863--2-870. Reserved.

DIVISION 7. QUALIFICATIONS; DEPARTMENT HEADS

Sec. 2-871. Qualifications; fire chief.

The qualifications for the position of fire chief shall be the following.

- (1) An associate's degree from an accredited institution in fire science or administration, public or business administration, or a related area and twelve (12) years of full-time, supervisory fire experience at the lieutenant level, or higher, including at least four (4) years as a platoon or shift supervisor, or higher; or
- (2) A bachelor's degree from an accredited institution in fire science or administration, public or business administration, or a related area and twelve (12) years of full-time, supervisory fire experience at the lieutenant level, or higher, including at least four (4) years as a captain or house supervisor, or higher; or
- (3) A master's degree from an accredited institution in fire science or administration, public or business administration, or a related area and ten (10) years of full-time, supervisory fire experience at the lieutenant level, or higher, including at least four (4) years at the captain rank, or house supervisor.

(Ord. of 7-01; No. 27402-1, 3-12-03)

Sec. 2-872. Qualifications; salary; chief of police.

- (a) The qualifications for the position of chief of police shall be the following: a bachelor's degree from an accredited institution in criminal justice, police science, public administration or a related academic field and ten (10) or more years of progressive, responsible law enforcement administration experience, preferably in a urban community, including at least five (5) as a police captain or above. A master's degree in a related field will substitute for one (1) year of experience.
- (b) The salary for chief of police shall be according to the following compensation schedule:

TABLE INSET:

Step 1	\$77,590.00
Step 2	80,694.00
Step 3	83,921.00
Step 4	87,278.00
Step 5	90,769.00
Step 6	94,400.00
Step 7	98,176.00
Step 8	102,103.00

An annual cost of living increase, if applicable, shall be adopted in the final, approved budget for a given fiscal year.

(Ord. of 7-01; Res. No. 28714-2, 9-30-05)

Sec. 2-873. Qualifications; director of public works.

The qualifications for the position of director of public works shall be the following: a registered professional engineer whose primary area of competence is civil engineering and five (5) years' supervisory experience in public sector engineering or public works at a responsible, professional level.

(Ord. of 7-01)

Sec. 2-874. Qualifications; director of parks and recreation.

The qualifications for the position of director of parks and recreation shall be the following: completion of a four-year college or university with a bachelor's degree in park management, recreation, public administration or a related field and five (5) years (full-time) experience in the administration of public sector parks and recreation programs; or an equivalent combination of experience and training equaling a total of nine (9) years. (Three (3) years of the above experience must have been in parks administrative work.)

(Ord. of 7-01)

Sec. 2-875. Qualifications; director of licenses, permits and inspections.

The qualifications for the position of director of licenses, permits and inspections shall be the following: graduation from a four-year college or university with specialization in civil engineering, public administration, business administration or a related field, supplemented by at least six (6) years of progressively responsible experience in the construction field in a supervisory capacity or an equivalent combination of the above training and experience totaling ten (10) years; certification by the State of Connecticut as a building official within six (6) months from the date of employment and Connecticut Motor Vehicle Operator's License.

(Ord. of 7-01)

Sec. 2-876. Qualifications; director of health.

The qualifications for the position of director of health shall be the following: a Master's degree from an accredited school of public health; five (5) years increasingly responsible professional experience in public health with at least two (2) years at the public health administration level; some experience in grant writing and procurement of state and federal funds; and certification as a health director and/or concurrence on appointment by the Board of Health by the State of Connecticut.

(Ord. of 7-01)

Sec. 2-877. Qualifications; director of public safety telecommunications center.

The qualifications for the position of director of public safety telecommunications center shall be the following: a bachelor of science degree from an accredited college or university in a related field plus six (6) years of full-time, paid experience in telecommunications/computer systems, three (3) of which must have been in a responsible, professional position in the field of public safety, and three (3) of which must have been in a supervisory capacity; additional experience over and above the minimum may be substituted for the bachelor's degree on a year-by-year basis up to four (4) years.

(Ord. of 7-01)

Sec. 2-878. Qualifications; salary; personnel director.

- (a) The qualifications for the position of personnel director shall be the following: a minimum of seven (7) years of progressively responsible experience in a professional and administrative field of public or private personnel/human resources administration and labor relations with five (5) years of supervisory experience. Minimum of a bachelor's degree from an accredited college/university in the field of management, administration, personnel, human resources, industrial relations or related field. A master's degree is preferred and will substitute for two (2) years of experience. An equivalent combination of experience may be substituted to meet qualifications of the position, however, there is no substitution for the bachelor's degree.
- (b) The salary for personnel director shall be according to the following compensation schedule:

Step 1 . . . \$74,000.00

Step 2 . . . 76,960.00

Step 3 . . . 80,038.00

Step 4 . . . 83,240.00

Step 5 . . . 86,570.00

Step 6 . . . 90,032.00

Step 7 . . . 93,634.00

Step 8 . . . 97,000.00

(Ord. of 7-01; Ord. No. 28461-2, 5-5-05)

Sec. 2-879. Qualifications; senior citizens services administrator.

The qualifications for the position of senior citizens services administrator shall be the following: a bachelor's degree in recreation, social work, or a related human service field and five (5) years of professional experience in providing services to senior citizens, two (2) of which must have been in a supervisory or administrative capacity or an equivalent combination of the above training and experience.

(Ord. of 7-01)

Sec. 2-880. Qualifications; director of municipal development.

The qualifications for the position of director of municipal development shall be the following: graduation from an accredited four-year college with major emphasis on public administration, plus six (6) years of responsible professional experience in public administration, economic development, business administration, or any related field, two (2) years of which must have been at a managerial level; or any equivalent combination of experience and training that provides the required knowledge, skills and abilities.

(Ord. of 7-01)

Sec. 2-881. Qualifications; salary; finance director.

- (a) The qualifications for the position of finance director shall be the following: graduation from an accredited college or university with a bachelor's degree in accounting, finance, business or related field plus six (6) years of experience in professional level positions in financial activities, four (4) years of which have been at a supervisory or management level or an equivalent combination of training and experience. A master's degree in business or public administration, finance, or some closely related field, or recognition as a CPA is preferred.
- (b) The salary for finance director shall be according to the following compensation schedule.

Step 1 . . . \$86,049.00

Step 2 . . . 89,921.00

Step 3 . . . 93,968.00

Step 4 . . . 98,196.00

Step 5 . . . 102,615.00

Step 6 . . . 107,233.00

Step 7 . . . 112,058.00

Step 8 . . . 117,101.00

(Ord. of 7-01; Res. No. 18972-2, 3-8-06)

Sec. 2-882. Qualifications; assistant corporation counsel.

The qualifications for the position of assistant corporation counsel shall be the following: graduation from a recognized school of law and five (5) years of experience in the practice of law.

(Ord. of 7-01)

Sec. 2-883. Qualifications; city assessor.

The qualifications for the position of city assessor shall be the following: graduation from a recognized college or university with a bachelors degree in accounting, business administration or related field plus six (6) years of progressively responsible property tax assessment experience, three (3) years of which must have been on a supervisory level or an equivalent combination of training and experience.

(Ord. of 7-01)

Sec. 2-884. Qualifications; director of water.

The qualifications for the position of director of water shall be the following: graduation

from [an accredited] college or university with a bachelors degree in civil engineering, public or business administration, supplemented by at least eight (8) years of progressively responsible engineering, public or management experience, five (5) years of which must have been in a supervisory capacity relating to drinking water treatment and distribution; or an equivalent combination of the above training and experience; and the following required licenses and certificates:

- (1) Registration as a professional engineer at the time of application for employment. If not registered in the State of Connecticut at the time of appointment, employee will have twelve (12) months from the date of appointment to obtain Connecticut registration through reciprocity procedures.
- (2) Class III Water Distribution System Certificate.
- (3) Class IV Water Treatment Plant Certificate. The above certificates must be obtained within twelve (12) months from the date of employment.
- (4) Valid Connecticut driver's license within thirty (30) days from the date of employment.

(Ord. of 7-01)

Secs. 2-885--2-900. Reserved.

ARTICLE XVI. DEPARTMENT OF PUBLIC SAFETY TELECOMMUNICATIONS

Sec. 2-901. Establishment; purpose.

There is hereby established a department of public safety telecommunications.

The purpose and intent of this article is to provide a central office to administer the emergency response service and emergency dispatch activities of the City of New Britain. The department shall act as the city's public telecommunications center and 911 public safety answering point (PSAP).

(No. 26989-1, 6-12-02)

Sec. 2-902. Director of public safety telecommunications.

There shall be a director of public safety telecommunications who shall be the administrative head of the department, shall direct its affairs and shall be directly responsible to the mayor.

The director shall be responsible for the appointment and removal of all employees in the department of public safety telecommunications subject to the provisions of Article V of the City Charter.

The director is further responsible for development and implementation of policy for operations of the public safety telecommunications system including provisions for direct reporting to the chief of police for all matters concerning criminal history record information and/or access to local, regional, state or federal data bases and systems.

(No. 26989-1, 6-12-02)

Sec. 2-903. Abolishment of public safety telecommunications authority.

The public safety telecommunications authority is hereby abolished. In addition, to the extent any provision of this article conflicts with Executive Order No. 96-1, this article controls.

(No. 26989-1, 6-12-02)

Sec. 2-904. Reporting of information.

- (a) If any provision of the Code of Ordinances or any executive order issued by the mayor calls for the regular use of data in the possession of the department of public safety telecommunications, the department of public safety telecommunications shall supply the needed data set to the department or organization that, by ordinance or executive order, shall utilize it. The department of public safety telecommunications shall supply said data to said department or organization in accordance with a joint administrative directive-adopted pursuant to subsection (b) of this section.
- (b) For each data set to be regularly supplied to a department or organization pursuant to subsection (a) of this section, there shall be a joint administrative directive. The joint administrative directive shall be adopted and may be amended by joint agreement of the corporation counsel, the director of public safety telecommunications and the administrative head of the department or organization that, by ordinance or executive order, shall utilize said data set. Any disagreement between these parties in the substance of such a joint administrative directive shall be presented to the mayor, who shall decide the question.
- (c) Notwithstanding any other provision of the Code of Ordinances, any joint administrative directive adopted pursuant to subsection (b) of this section shall be construed as an authoritative interpretation of the meaning and intent of any ordinance or executive order in question and may include any or all of the following:
 - (1) The frequency of the delivery of said data, unless the ordinance or executive order in question shall proscribe such frequency;
 - (2) The particular database format to be used;
 - (3) The data fields to be included and the name of each field;
 - (4) The parameters for determining whether each particular record item shall be included in the data set; and
 - (5) Any other matter relevant to the implementation of the meaning and intent of the ordinance or executive order in question.

(No. 26989-1, 6-12-02)

Chapter 3 ADVERTISING*

***Charter references:** Authority to provide for and regulate printing and advertising done for the city, § 531; authority to regulate signs, § 534.
